

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) CRIMINAL CASE NO. CCB-16-0267
DANTE BAILEY, et al.,)
Defendants.)
_____)

Tuesday, April 16, 2019
Courtroom 1A
Baltimore, Maryland

BEFORE: THE HONORABLE CATHERINE C. BLAKE, JUDGE
(AND A JURY)

VOLUME XVI

For the Plaintiff:

Christina Hoffman, Esquire
Lauren Perry, Esquire
Assistant United States Attorneys

For the Defendant Dante Bailey:

Teresa Whalen, Esquire

Reported by:

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1 For the Defendant Randy Banks:

2 Brian Sardelli, Esquire

3 For the Defendant Corloyd Anderson:

4 Elita Amato, Esquire

5
6 For the Defendant Jamal Lockley:

7 Harry Trainor, Esquire

8 For the Defendant Shakeen Davis:

9 Paul Hazlehurst, Esquire

10
11 Also Present:

12 Special Agent Christian Aanonsen, ATF

P R O C E E D I N G S

(10:07 a.m.)

THE COURT: Good morning, everyone.

Okay. Are we ready for the jury and the first witness?

MS. HOFFMAN: I think we are.

I just wanted to flag for Your Honor that Ms. Whalen has noted some objections to some paperwork that we will be introducing through a witness, we think this afternoon. And it may take a little bit of time.

I think we can agree to some redactions but not all of them, and so we were hoping that we may be able to set aside a little bit of time over the lunch break or right afterward to hash out those objections and then so that we then have time to make whatever redactions we need to make and then bring redacted copies of those exhibits to use with the witness after the lunch break.

THE COURT: Okay. All right.

MS. WHALEN: And I did bring a copy that has some highlighting of what I would like to object to.

THE COURT: Oh, that would be helpful.

MS. WHALEN: And I don't know if you'll be at a meeting at lunch, so I thought I'd just pass them up.

Is that all right?

MS. HOFFMAN: I think that's fine. I mean, it's the

1 same stuff that we talked about.

2 **MS. WHALEN:** Yes.

3 (Counsel conferred.)

4 **MS. WHALEN:** Can I approach, Your Honor?

5 **THE COURT:** Yes, please.

6 **MS. WHALEN:** (Handing.)

7 **THE COURT:** Now, is this some of the subject of --
8 this is Document Number 1043, Mr. Bailey's motion to preclude
9 evidence at trial?

10 **MS. HOFFMAN:** Yes. So one of -- so these documents
11 would come in through Jonathan English, who searched a jail
12 cell at Northern Neck Regional Jail in September of 2017.

13 One of the -- there are a few different excerpts
14 labeled with different exhibit numbers there. And one of them
15 includes the language: "I have a reputation of getting people
16 killed," which is the subject of the motion to preclude.

17 But there are some additional objections that
18 Ms. Whalen noted yesterday that we'd also like to discuss.

19 **THE COURT:** Okay. And so there are a couple of
20 paragraphs, it looks like, that you've got marked with yellow,
21 Ms. Whalen, and I will focus on those.

22 **MS. WHALEN:** Thank you, Your Honor.

23 **THE COURT:** Any issues for whoever the first witness
24 is? Or can we go ahead and get the jury?

25 **MS. HOFFMAN:** I think we can go ahead.

1 **THE COURT:** Okay.

2 (Jury entered the courtroom at 10:13 a.m.)

3 **THE COURT:** Could I see counsel at the bench.

4 (Bench conference on the record:

5 **THE COURT:** Sorry. I forgot to clarify. I need to
6 instruct the jury --

7 **MS. AMATO:** Oh, right, yes.

8 **THE COURT:** -- about Mr. Frazier and Mr. Davis not
9 being here.

10 Is there anything else specific anybody wants me to
11 say? I'm going to say that you'll notice that Mr. Frazier and
12 his attorney are no longer here. The reasons for that do not
13 concern you, aren't relevant to what you have to decide, so
14 we'll proceed. And we're just going to be proceeding as to
15 everyone else.

16 And then there was the specific -- I would also say,
17 Because Mr. Frazier's not here, you will recall that there was
18 evidence concerning some statements he may have made following
19 his arrest in this case. I instruct you to disregard them.
20 They would have been evidence against Mr. Frazier only. Since
21 he's not here, you should simply just disregard them.

22 **MS. AMATO:** We agree with them.

23 **MR. HAZLEHURST:** Usually we deal with the situation,
24 even with somebody who's entering a guilty plea. I think that
25 specifically the state tries to take it away.

1 But I'm not sure it's harmful in this case to say that
2 Mr. Davis had a medical emergency that would require him not to
3 be able to be present, and that caused Mr. Frazier's case to
4 have to be -- or Mr. Frazier not to be here.

5 And so maybe that is -- I don't think that that's
6 prejudicial in any way, but it's an additional explanation that
7 will help the jury to process it. Not even consider the idea
8 that Mr. Frazier entered a guilty plea.

9 And I apologize for bringing it up at the last second
10 because I thought, obviously, there's nothing bad that's going
11 to come from having that additional explanation. And it does
12 provide some reason to them so that they don't speculate as to
13 what happened.

14 **MS. AMATO:** I agree, Your Honor. I mean, I've been
15 thinking about this as well, so I agree. I think there is some
16 concern that the jury -- I mean, there's been a lot of evidence
17 against Mr. Frazier, and I think it gives a little bit of,
18 shall we say, less prejudicial -- I mean, there might be
19 some -- just in case.

20 **MS. HOFFMAN:** I suppose our preference would be to
21 follow the instruction that courts have given in similar
22 circumstances and not to provide a reason; just tell them to
23 disregard.

24 And we would defer to Your Honor about what the best
25 course of action is, but I guess just from an appellate

1 perspective, we would prefer to stick with the instruction
2 that's been approved by the Fourth Circuit in other cases.

3 **THE COURT:** Yes. I think the other cases, though, I
4 mean, that certainly would be the appropriate instruction if he
5 had pled guilty. I'm trying to -- I guess I don't -- I can't
6 think of any prejudice to the Government. I mean . . .

7 **MS. HOFFMAN:** Yeah.

8 **THE COURT:** If that's what all the defendants are
9 asking for collectively --

10 **MS. AMATO:** Yes, definitely.

11 **THE COURT:** -- which is what I'm seeing.

12 I'll just tell them that, unfortunately, there was a
13 medical emergency for Mr. Davis, and we certainly hope and
14 expect he will be fine. He was unable to continue; and,
15 therefore, Mr. Frazier is not here.

16 You simply should not -- again, simply should not
17 consider -- I would still say that that circumstance should not
18 be considered in any way, and the one thing that they should
19 disregard is any statements that Mr. Frazier made.

20 So -- and it does eliminate the possibility that they
21 think he pled guilty. So --

22 **MS. AMATO:** Thank you.

23 **MS. HOFFMAN:** Thank you.)

24 (Bench conference concluded.)

25 **THE COURT:** So, ladies and gentlemen, before we get

1 started -- I apologize for that last minute up at the bench
2 there.

3 But you may observe that Mr. Sydni Frazier and his
4 counsel, Mr. Davis, are not sitting at the counsel table
5 anymore.

6 And I'm not going to go into any details. But it's
7 just, unfortunately, Mr. Davis had a medical emergency, and
8 he's not able to continue with the case. And so, therefore,
9 Mr. Frazier has been -- he is not continuing with the case at
10 this point either.

11 Other than that, I mean, that circumstance does not
12 concern you. It's not relevant to anything that you need to
13 decide about the other defendants who are here.

14 But we just wanted to give you an explanation so you
15 wouldn't be wondering.

16 We certainly hope and expect that Mr. Davis will be
17 fine. But there was a genuine emergency, and that's why
18 Mr. Davis and Mr. Frazier are not there right now.

19 In that regard, there was testimony about some
20 statements that Mr. Frazier may have made after his arrest.
21 Those should be disregarded. They were evidence against
22 Mr. Frazier only. And since he is not in the case anymore,
23 disregard/strike any evidence about statements that Mr. Frazier
24 made immediately upon his arrest.

25 Other than that, the evidence remains in the case, but

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1 you will not be asked to return a verdict as to Mr. Frazier.

2 Thank you very much.

3 All right. And the Government has another witness to
4 call?

5 **MS. HOFFMAN:** The Government calls James Wagster.

6 **THE CLERK:** Mr. Wagster, you're still under oath.
7 You're still under oath.

8 **THE WITNESS:** Okay.

9 JAMES WAGSTER, GOVERNMENT'S WITNESS, PREVIOUSLY SWORN.

10 **THE COURT:** Ms. Hoffman.

11 DIRECT EXAMINATION

12 **BY MS. HOFFMAN:**

13 **Q.** Good morning, Mr. Wagster.

14 **A.** Good morning.

15 **Q.** Welcome back.

16 **A.** Thank you.

17 **Q.** I believe you testified previously that you work for the
18 firearms examination unit for the Baltimore Police Department;
19 is that right?

20 **A.** Yes, ma'am.

21 **Q.** And the last time you were here, I believe you testified
22 that you conducted a microscopic comparison examination between
23 six casings and a live round from the scene of a February 8th,
24 2015 shooting at the BP gas station in the 5200 block of
25 Windsor Mill Road -- that was Government's Exhibits F-3 and CC

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1 number 158B03133; and four cartridge casings and live rounds
2 from the scene of the February 12th, 2015 murder of
3 James Edwards -- that was Government's Exhibit F-5 and CC
4 number 158B04442.

5 Do you recall that testimony?

6 **A.** Yes, ma'am.

7 **Q.** And can you remind us just briefly what your conclusion
8 was as to that comparison.

9 **THE COURT:** Why don't we -- I don't think we need to
10 repeat that. I mean, I'm sure the jury remembers.

11 **MS. HOFFMAN:** Sure. Sure.

12 **BY MS. HOFFMAN:**

13 **Q.** Can you -- I believe you testified previously that you
14 determined -- you were able to determine the casings and live
15 rounds from those two scenes were fired with the same unknown
16 firing -- the same unknown firearm based on firing-pin
17 impressions; is that right?

18 **A.** Yes, ma'am.

19 **Q.** And can you tell us what -- were you able to determine
20 what class of firing-pin impression those casings and live
21 rounds had?

22 **A.** They were hemispherical.

23 **Q.** And that hemispherical firing-pin impression, is that
24 sometimes referred to as a class characteristic?

25 **A.** Yes, ma'am.

WAGSTER - DIRECT

1 Q. And can you explain what a class characteristic is.

2 A. Class characteristic's just a general class of a firearm,
3 the breech face in this case. Different manufacturers use
4 different styles or class.

5 Glocks are elliptical.

6 Berettas are usually arced.

7 Taurus have arcs.

8 There's -- each firearm kind of has its own class
9 characteristics.

10 Q. And if you have casings -- if you have casings that have
11 different firing-pin impression class characteristics, what
12 conclusion can you draw, if any?

13 A. That they were not fired with the same firearm.

14 Q. I want to take you all the way back to 2013 now.

15 Did there come a time when you were asked to examine
16 cartridge casings and live rounds recovered from the scene of a
17 shooting of someone named Terrell Gale on January 14th of 2013,
18 CC number 136A06146?

19 A. Yes, ma'am.

20 Q. And did you prepare a report to document your findings?

21 A. Yes, I did.

22 Q. And was there a co-examiner in that case?

23 A. Yes.

24 Q. And who was the co-examiner?

25 A. Christopher Faber.

~~WAGSTER - DIRECT~~

1 Q. And does his name appear on your report?

2 A. Yes, it does.

3 Q. And what caliber were those casings and live rounds?

4 A. They were caliber .40 Smith & Wesson.

5 Q. And were you able to determine what class of firing-pin
6 impression the cartridge casings had?

7 A. They had elliptical.

8 Q. And is an elliptical firing-pin impression, is that a
9 class characteristic?

10 A. Yes, ma'am.

11 Q. Could the cartridge casings from the Terrell Gale
12 shooting, CC number 136A06146, have been fired from the same
13 firearm as the cartridge casings and live rounds from the
14 February 8th, 2015 shooting and the February 12th, 2015 murder
15 that we were just discussing?

16 A. No, ma'am.

17 Q. And why not?

18 A. The class characteristics are different. The firing pin
19 shapes are different.

20 Q. Mr. Wagster, do your comparison examinations tell you
21 anything about who pulled the trigger in any given case?

22 A. No, ma'am.

23 Q. Do you have any information about the suspect in the
24 Terrell Gale shooting?

25 A. No, ma'am.

~~WAGSTER - CROSS~~

1 Q. Do you have any information about the suspect in the
2 James Edwards murder?

3 A. No, ma'am.

4 Q. Is your conclusion that the casings from the Terrell Gale
5 shooting could not have been fired from the same gun as the
6 casings from the James Edwards murder based on anything other
7 than your examination of the evidence in the two cases?

8 A. No, ma'am.

9 MS. HOFFMAN: Thank you very much. I have no further
10 questions.

11 THE COURT: All right. Thank you.

12 Ms. Whalen.

13 MS. WHALEN: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MS. WHALEN:

16 Q. Mr. Wagster, just a couple.

17 The -- when you look at the casings, you're looking for
18 firing-pin impressions; correct?

19 A. And breech face marks, yes, ma'am.

20 Q. All right. And with regard to the firing-pin impressions,
21 you're looking with the naked eye; is that correct?

22 A. To start off with, yes.

23 Q. All right. And then you told us about microscopic
24 comparisons the last time you testified.

25 Are they -- is looking for the firing-pin impression

~~WAGSTER~~ - CROSS

1 different than that microscopic comparison that you did and
2 told us about the last time?

3 **A.** You start off with the class, 'cause you can separate 'em
4 out by then.

5 **Q.** All right.

6 **A.** And then to determine if they were fired with the same
7 firearm in their class, then you need to go to the microscope.

8 **Q.** Okay. So in this particular case, you looked at it,
9 starting out with the naked eye, and you determined that the
10 firing-pin impressions, in your opinion, were different; is
11 that correct?

12 **A.** Yes, ma'am.

13 **Q.** Okay. And so you didn't have to take any other steps,
14 you're telling us?

15 **A.** Correct.

16 **Q.** Okay. Did you take pictures of the firing-pin
17 impressions?

18 **A.** Yes, ma'am.

19 **Q.** Okay. And the microscopic comparisons that you told us
20 about before, did you take pictures of those?

21 **A.** Yes, ma'am.

22 **MS. WHALEN:** Okay. Thank you, sir.

23 **THE COURT:** Anything else? Anybody else?

24 (No response.)

25 **THE COURT:** Any redirect?

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1 **MS. HOFFMAN:** No. Thank you.

2 **THE COURT:** Thank you very much, sir.

3 You're excused.

4 (Witness excused.)

5 **THE COURT:** Government have another witness?

6 **MS. PERRY:** Yes, Your Honor.

7 The Government calls Howard Rosenkoff.

8 **THE CLERK:** Please raise your right hand.

9 HOWARD ROSENKOFF, GOVERNMENT'S WITNESS, SWORN.

10 **THE CLERK:** Please be seated.

11 Please speak directly into the microphone.

12 State and spell your full name for the record, please.

13 **THE WITNESS:** Howard Sheldon Rosenkoff,

14 R-O-S-E-N-K-O-F-F.

15 **THE CLERK:** Howard, H-O-W-A-R-D?

16 **THE WITNESS:** Yes, ma'am.

17 **THE CLERK:** Thank you.

18 **THE WITNESS:** Sheldon is S-H-E-L-D-O-N.

19 **THE CLERK:** Thank you.

20 DIRECT EXAMINATION ON VOIR DIRE

21 **BY MS. PERRY:**

22 **Q.** Good morning.

23 **A.** Good morning.

24 **Q.** Mr. Rosenkoff, are you currently working?

25 **A.** No.

~~ROSENKOFF - DIRECT ON VOIR DIRE~~

1 Q. Did you -- are you retired?

2 A. Yes.

3 Q. Where did you work before you retired?

4 A. Baltimore County Police Department.

5 Q. And how long were you at the Baltimore County Police
6 Department?

7 A. I started on May 14th, 1997. I retired on July 7th, 19 --
8 '17. And I went back to work part time until February of '18.

9 Q. And what was your title when you were working with the
10 Baltimore County Police Department?

11 A. Chemist II.

12 Q. What is your educational background?

13 A. I graduated in 1970 from UMBC, major in chemistry and
14 minor in biology, undergraduate degree.

15 Q. What type of training have you received to qualify as a
16 Chemist II?

17 A. I had a course in application and identification of CDS
18 from Baltimore City under the late Dr. Shiv Soni from January
19 through June of 1982.

20 Q. And during your time with the Baltimore County Police
21 Department, did you routinely chemically analyze substances to
22 determine whether they are or contain narcotics?

23 A. Yes.

24 Q. How often?

25 A. Every day I worked.

~~ROSENKOFF - DIRECT~~

1 Q. And approximately how many exhibits have you analyzed over
2 the course of your career?

3 A. Including Baltimore City? Okay. I've got 48,000 cases I
4 completed. Over 280,000 samples were analyzed.

5 Q. Have you previously testified in court concerning the
6 analyses you've performed?

7 A. Yes.

8 Q. About how many times?

9 A. 487.

10 Q. And on those occasions, were you qualified as an expert?

11 A. Yes.

12 MS. PERRY: Your Honor, at this time I would offer
13 Mr. Rosenkoff as an expert in the field of forensic chemistry.

14 THE COURT: Any objections or questions?

15 MS. WHALEN: No, Your Honor.

16 MR. HAZLEHURST: No.

17 THE COURT: All right. Based on the witness's
18 education, training, and experience, I will find him qualified
19 to give opinion testimony in the field of forensic chemical
20 analysis.

21 DIRECT EXAMINATION

22 BY MS. PERRY:

23 Q. Now, Mr. Rosenkoff, I'm first going to approach and show
24 you what's been -- what's come into evidence as
25 Government's Exhibit D-6. This is -- D-6 was recovered from --

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1 on the July 3rd, 2015 arrest of Tiffany Bailey.

2 (Handing.)

3 Do you recognize this?

4 **A.** Well, not yet. It's not in the bag that I originally have
5 it in.

6 I -- oh, I see it. Okay. 15-184, 1447.

7 Yes, I see my handwriting on it, yes.

8 **Q.** And were you asked to test this substance?

9 **A.** Yes.

10 **Q.** Did you prepare a report to document your findings?

11 **A.** Yes.

12 **Q.** I'm going to approach and show you what I've marked for
13 identification only as Government's Exhibit DL-6.

14 (Handing.)

15 Is this your report?

16 **A.** Yes.

17 **Q.** Now, you said that you were asked to test this substance.
18 Can you please explain what tests you performed.

19 **A.** On the Items 1, 2, and 3, I performed a color test and
20 then two instrumentation tests.

21 **Q.** And were there other items with respect to this exhibit
22 that you performed tests on?

23 **A.** Yes. Item 4, which was plant matter, I also tested.

24 **Q.** And can you explain how those tests work.

25 **A.** Okay. We'll say on the marijuana, what I did is I

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1 performed a macro test to take a look at the general
2 configuration of the plant matter.

3 I did a microtest looking for certain characteristics,
4 hairs that are on the leaves.

5 And the third was a chemical test called a
6 Duquenois-Levine, which would give me an indication that -- the
7 presence of cannabinoids.

8 Q. And with respect to the other items, did you test those as
9 well?

10 A. Yes.

11 Q. And can you explain what other tests you performed.

12 A. On those tests I performed a color test for Item 1. And
13 for Item 2, I also performed a color test. The first one is
14 called a Froehdes, and it's specifically used for the detection
15 of opiates. It gave me a purple reaction, which indicates the
16 possibility of heroin.

17 On Item 2, which was six partial plastic bags with a white
18 substance, I performed a color test called a cobalt thiocyanate
19 test that gave me a light blue. And then with the addition of
20 acid, the color then became stronger blue, which is an
21 indication of possibility of cocaine base.

22 Let's see.

23 And Item 3, which was nine Ziplocs of white substance, I
24 performed a cobalt thiocyanate test with acid on that one. And
25 that also gave me an indication of the possibility of

~~ROSENKOFF - DIRECT~~

1 cocaine base.

2 **Q.** And, Mr. Rosenkoff, based on your tests, were you able to
3 determine whether or not the items contained in
4 Government's Exhibit D-6 contained controlled substances?

5 **A.** Yes.

6 **Q.** Can you first tell us what a controlled substance is.

7 **A.** It's an item which the federal government has deemed
8 dangerous and then puts it on a schedule and becomes illegal.

9 **Q.** And which controlled substances were contained in the
10 items in Government's Exhibit D-6?

11 **A.** In Item 1, which was a plastic bag with brown substance
12 which had a net weight of 26.02 grams, the identification was
13 heroin.

14 On Item 2, six partial plastic bags with white substance,
15 had a total weight of 21.08 grams, identification was
16 cocaine base.

17 Item 3, which was nine orange Ziplocs with white
18 substance, a total weight of 1.30, identification was that of
19 cocaine.

20 And 4, which was -- Item 1 of 4 was a Ziploc bag with
21 plant matter, and that had a total weight of 1.32. And that
22 was marijuana.

23 Part 2 of item 4, which was a partial cigar, was not
24 analyzed.

25 **THE COURT:** Can I just interrupt for just a second.

~~ROSENKOFF - DIRECT~~

1 There's some sort of buzzing noise coming from over here.

2 Anybody know what it is? One of the headsets maybe?

3 (Pause.)

4 **THE COURT:** Sorry. Go ahead.

5 **MS. PERRY:** Thank you.

6 **BY MS. PERRY:**

7 **Q.** Now, Mr. Rosenkoff, you told us that Item 1 had a -- I
8 believe you said a net weight of approximately 26 grams. What
9 does "net weight" mean?

10 **A.** That is the weight of the powder itself.

11 **Q.** And then you told us as to Item 2, I believe that it was
12 cocaine base and had a total weight of 20 -- approximately
13 21 grams. What do you mean by "total weight"?

14 **A.** That is the weight of the substance plus its packaging.

15 **Q.** And how were you able to determine the net weight for
16 Item 1?

17 **A.** By taking it out of the packaging, putting it on a balance
18 in a weighing boat, and that gave -- which was tared, and that
19 gave me the weight of 26.02 grams.

20 **Q.** And so just to summarize, you were able to determine the
21 net weight of Item 1, which was the heroin, but you determined
22 the total weight for Items 2 and 3?

23 **A.** Yes.

24 **MS. PERRY:** Court's indulgence.

25 **BY MS. PERRY:**

~~ROSENKOFF - DIRECT~~

1 Q. Mr. Rosenkoff, I now want to approach and show you
2 Government's Exhibit D-10 and D-10-A.

3 I'm also going to show you what's been marked for
4 identification only as DL-10.

5 (Handing.)

6 First, looking at D-10 and D-10-A, do you recognize these
7 exhibits?

8 A. Yes.

9 Q. And what are D-10 -- sorry.

10 Were you asked to perform a test on D-10 and D-10-A?

11 A. Yes.

12 Q. And did you prepare a report to document your findings?

13 A. Yes.

14 Q. And are those findings documented in DL-10?

15 A. Yes.

16 Q. And look -- and can you tell us, first, what the items in
17 D-10 and D-10-A are.

18 A. Yes. On this, which has a complaint number of 152120216,
19 Item 1 was a plastic bag with plant matter.

20 Item 2, three blue pills marked A215.

21 Item 3, 13 plastic bags with plant matter.

22 Item 4, a sandwich Ziploc bag with plant matter.

23 Item 5, a digital scale with residue.

24 Item 6, a partially burnt cigar.

25 Item 7, a plastic cup with white powder.

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Item 8, two plastic bags with brown substance.

Item 9, a digital scale.

Item 10, nine white pills marked TV/58.

Q. And did you perform tests with respect to all of those item numbers?

A. Yes; except for Item 5 and Item 9.

Q. And did those -- did Government's Exhibit 10 and 10-A contain controlled substances?

A. Beg your pardon?

Q. Did you find that controlled substances were contained in the exhibit?

A. Yes.

Q. Can you summarize your findings for us.

A. Yes.

Item 1, plastic bag with plant matter, conclusion was marijuana, net weight 6.06 grams.

Item 2, three blue pills marked A215; conclusion, oxycodone, Schedule II. One of the units were analyzed -- was analyzed.

Item 3, 13 plastic bags with plant matter had a net weight of 18.45 grams. Conclusion was marijuana, CDS-I. Five units with a net weight of 7.34 grams was analyzed -- were analyzed.

Item 4, sandwich bag with plant matter, conclusion was marijuana, CDS-I; net weight, 0.86 grams.

Item 6, partially burnt cigar, marijuana was the

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1 conclusion, CDS-I; net weight, 1.61 grams.

2 Item 7, plastic cup with white powder, no CDS was
3 detected. It had a net weight of 25.10 grams.

4 Item 8, two plastic bags with brown substance, conclusion,
5 heroin, CDS-I; net weight, 60.61 grams.

6 Item 10, nine white pills marked TV/58, conclusion was
7 tramadol, CDS-IV. One unit was analyzed.

8 **Q.** Thank you.

9 I'm now going to approach and show you
10 Government's Exhibit DL-12 -- I'm sorry, D-12, which has come
11 into evidence as recovered in a search warrant at the residence
12 of Dontray Johnson. I'm also going to show you DL-12 for
13 identification only.

14 (Handing.)

15 **THE COURT:** Do you want to take back some of those
16 other ones.

17 **BY MS. PERRY:**

18 **Q.** Looking, first, at D-12, do you recognize this?

19 **A.** Yes.

20 **Q.** And were you asked to test the substances contained in
21 D-12?

22 **A.** Yes.

23 **Q.** Can you first tell us what was contained in D-12.

24 **A.** Under Complaint Number 152120239, Item 1 was 18 partial
25 plastic bags with brown substance, had a total weight of

~~ROSENKOFF - DIRECT~~

1 19.00 grams.

2 Item 2, 16 capsules with powder; total weight, 3.64 grams.

3 Item 3, 25 capsules with powder; total weight, 5.90 grams.

4 **Q.** And did your testing result in any findings as to whether
5 or not D-12 contained controlled substances?

6 **A.** Yes.

7 **Q.** And can you summarize your conclusions for us.

8 **A.** On Item 1, which was the 18 partial plastic bags with
9 brown substance, conclusion was heroin, a CDS-I. Five units
10 with a total weight of 5.29 grams were analyzed.

11 Item 2, the 16 capsules with powder, conclusion was
12 heroin, CDS-I; five units with a total weight of 1.12 grams
13 were analyzed.

14 Item 3, 25 capsules with powder, conclusion, heroin,
15 CDS-I. Five units with a total weight of 1.23 grams were
16 analyzed.

17 **MS. PERRY:** Thank you, Mr. Rosenkoff.

18 I have no further questions.

19 **THE COURT:** Thank you very much.

20 Any cross-examination?

21 **MS. WHALEN:** No. Thank you.

22 **THE COURT:** Thank you, sir.

23 You are excused. Thank you very much.

24 (Witness excused.)

25 **THE COURT:** Another witness?

COVINGTON - DIRECT ON VOIR DIRE

1 **MS. PERRY:** Your Honor, the Government calls
2 Roger Covington.

3 **THE CLERK:** Please raise your right hand.

4 ROGER COVINGTON, GOVERNMENT'S WITNESS, SWORN.

5 **THE CLERK:** Please be seated. Please speak directly
6 into the microphone.

7 State and spell your full name for the record, please.

8 **THE WITNESS:** Roger Covington, last name is spelled
9 C-O-V, as in Victor, I-N-G-T-O-N.

10 **THE CLERK:** Roger, R-O-G-E-R?

11 **THE WITNESS:** Correct.

12 **THE CLERK:** Thank you.

DIRECT EXAMINATION ON VOIR DIRE

13
14 **BY MS. PERRY:**

15 **Q.** Good morning.

16 **A.** Good morning.

17 **Q.** Where are you currently working?

18 **A.** I am retired.

19 **Q.** Where are you retired from?

20 **A.** Baltimore City Crime Lab and Baltimore County Crime Lab.

21 **Q.** And how long were you with the Baltimore City Crime Lab?

22 **A.** As a drug analyst from 1997 -- sorry, 1977 to 1996.

23 **Q.** And when were you with the Baltimore County Police
24 Department?

25 **A.** From 1997 to 2017.

COVINGTON - DIRECT ON VOIR DIRE

1 Q. And what was your title with the Baltimore County Police
2 Department?

3 A. Forensic Chemist II.

4 Q. What is your educational background?

5 A. I have a Bachelor of Science in chemistry from -- it was
6 Towson State College, now Towson University.

7 Q. And what type of training have you received to qualify as
8 a Forensic Chemist II?

9 A. I had training in Baltimore City, also, the DEA forensic
10 chemist seminar training and keeping up meetings, seminars
11 from -- through the Mid-Atlantic Association of Forensic
12 Science and reading professional papers.

13 Q. And in your -- in the course of your career as a chemist
14 or a forensic chemist, did you routinely chemically analyze
15 substances to determine whether they are or contain narcotics?

16 A. Yes, I did.

17 Q. How often?

18 A. Every day, every other day.

19 Q. Approximately how many exhibits have you analyzed over the
20 course of your career?

21 A. I stopped counting cases at 30,000.

22 Q. Have you previously testified in court concerning the
23 analyses you have performed?

24 A. Over 100 times.

25 Q. And on those occasions, were you qualified as an expert?

~~COVINGTON - DIRECT~~

1 **A.** Yes, I was.

2 **MS. PERRY:** Your Honor, at this time I would offer
3 Mr. Covington as an expert in the field of forensic chemistry.

4 **THE COURT:** Objections? Questions?

5 **MS. WHALEN:** No. Thank you.

6 **THE COURT:** I'm hearing none.

7 Based on the witness's training, education, and
8 experience, I will find him qualified to give opinion testimony
9 in the field of forensic chemistry.

10 DIRECT EXAMINATION

11 **BY MS. PERRY:**

12 **Q.** Now, I'm going to approach at this time and show you
13 what's come into evidence as Government's Exhibit D-3 as
14 evidence recovered on April 23rd of 2015 during the arrest of
15 Dante Bailey and Altoneyo Edges, as well as
16 Government's Exhibit DL-3 for identification only.

17 (Handing.)

18 Looking first at Government's Exhibit D-3, do you
19 recognize this?

20 **A.** I do recognize this, yes.

21 **Q.** And were you asked to test this exhibit?

22 **A.** I did test the contents, yes.

23 **Q.** And did you prepare a report to document your findings?

24 **A.** Yes, I did.

25 **Q.** And is that what is in front of you as

~~COVINGTON - DIRECT~~

1 Government's Exhibit DL-3 for identification only?

2 A. That's correct.

3 Q. Now, you mentioned that you tested this exhibit.

4 Can you first tell us what was contained in
5 Government's Exhibit D-3.

6 A. The package contained 23 plastic bags containing an
7 off-white substance.

8 Q. And did you test the contents of that bag -- of those
9 bags?

10 A. I tested the contents of five bags.

11 Q. And what was your -- what were your findings?

12 A. I found that each of the five bags contained heroin,
13 Schedule I.

14 Q. Were you able to determine the weight of each of the bags?

15 A. No. I only have the total weight of the bags.

16 Q. And can you tell us what the total weight was.

17 A. The total weight of the 23 bags was 21.08 grams. The
18 weight of the five bags I analyzed was 5.79 grams.

19 Q. And can you tell us why you analyzed only five of the bags
20 contained in Government's Exhibit D-3.

21 A. This was a standard operating procedure for
22 Baltimore County lab.

23 Q. That if the -- part of the exhibit looked similar, you
24 would only test a portion of it?

25 A. Correct. It was the -- I'd first look at all 23 bags to

1 see if they're -- visually appear to be -- and their contents
2 appear to be the same. Then I just take five at random, and
3 those are the ones I analyze.

4 **MS. PERRY:** Thank you, Mr. Covington. I have no
5 further questions.

6 **THE COURT:** Ms. Whalen.

7 **MS. WHALEN:** Thank you, Your Honor.

8 CROSS-EXAMINATION

9 **BY MS. WHALEN:**

10 **Q.** Could you describe for us the bags themselves.

11 **A.** They are partial plastic bags. It looks -- and without
12 looking further, looks like the -- it's the type of thing where
13 you have a sandwich bag, not the Ziploc type. The bags in the
14 corner. It's twisted. It's tied. And they cut the top off.

15 **Q.** All right. And the tied portion, can you actually see
16 that in that exhibit there?

17 **A.** I can see it on the ones I did not analyze, yes.

18 **Q.** Okay. And the ones that are cut off, that's -- you cut
19 that off in order to analyze it; correct?

20 **A.** No. I'm saying it's a whole plastic bag, some split in
21 the corner. It's twisted and tied. And then before I receive
22 it, when it was seized, someone had already cut the very top
23 off, so it was only a small part -- small bag left.

24 **Q.** I see. Thank you.

25 And then when you analyze, what do you do with the bags?

~~COVINGTON~~ - ~~CROSS~~

1 **A.** I open the bag, the five bags. And instead of tying them
2 back, I seal them with evidence tape.

3 **Q.** All right. And you gave us a total weight. That is the
4 bags plus the substance within the bags; correct?

5 **A.** That's correct.

6 **Q.** And within that, you took five bags and you gave us
7 another weight.

8 Was that the total weight of the five bags that you
9 analyzed?

10 **A.** That was the total weight, including the bags and the
11 white -- the off-white substance, yes.

12 **MS. WHALEN:** Thank you, sir.

13 That's all I have.

14 **THE COURT:** Thank you very much.

15 Any redirect?

16 **MS. PERRY:** No, Your Honor.

17 Thank you.

18 **THE COURT:** Thank you, sir. You are excused.

19 (Witness excused.)

20 **MS. PERRY:** The Government calls Leon White.

21 **THE CLERK:** Please raise your right hand.

22 LEON WHITE, GOVERNMENT'S WITNESS, SWORN.

23 **THE CLERK:** Please be seated.

24 Please speak directly into the microphone.

25 State and spell your full name for the record, please.

~~WHITE - DIRECT ON VOIR DIRE~~

1 **THE WITNESS:** Leon, L-E-O-N; James, J-A-M-E-S; White,
2 W-H-I-T-E, Jr.

3 **THE CLERK:** Thank you.

4 DIRECT EXAMINATION ON VOIR DIRE

5 **BY MS. PERRY:**

6 **Q.** Good morning.

7 **A.** Good morning.

8 **Q.** Where do you work?

9 **A.** The Baltimore City Police Department.

10 **Q.** And how long have you worked for the Baltimore City Police
11 Department?

12 **A.** Since 1977.

13 **Q.** What is your title with the Baltimore City Police
14 Department?

15 **A.** I'm a Forensic Scientist II.

16 **Q.** And how long have you been a Forensic Scientist II?

17 **A.** Since 1991.

18 **Q.** What is your educational background?

19 **A.** I have a Bachelor's in biology from the University of
20 Virginia.

21 **Q.** And what type of training have you received to qualify for
22 your position as a forensic scientist?

23 **A.** Well, I took in-service training with Dr. Shiv Soni at the
24 police department, but I've also attended seminars at the FBI.

25 **Q.** And in your position as a forensic scientist, do you

~~WHITE - DIRECT ON VOIR DIRE~~

1 routinely chemically analyze substances to determine whether
2 they are or contain narcotics?

3 **A.** Yes, I do.

4 **Q.** How often?

5 **A.** Every day, five days a week.

6 **Q.** How -- approximately how many exhibits have you analyzed
7 over the course of your career?

8 **A.** Conservatively -- if you're talking about individual
9 samples, conservatively, around 2,000.

10 **Q.** Have you previously testified in court concerning the
11 analyses you performed?

12 **A.** Yes, I have.

13 **Q.** How many times, approximately?

14 **A.** Conservatively, 50 to 60 times.

15 **Q.** And on those occasions were you qualified as an expert?

16 **A.** Yes, I was.

17 **MS. PERRY:** Your Honor, at this time I would offer
18 Mr. White as an expert in the field of forensic chemistry.

19 **THE COURT:** Objections?

20 **MS. WHALEN:** No, Your Honor.

21 **THE COURT:** All right. Based on the witness's
22 education, training, and experience, I will find him qualified
23 to give opinion testimony in the field of forensic chemistry.

~~WHITE - DIRECT~~

DIRECT EXAMINATION

BY MS. PERRY:

Q. I'm going to approach and show you what's come into evidence as Government's Exhibit D-1, which is evidence which was seized from Devon Dent on November 4th of 2012. I'm also going to show you Government's Exhibit DL-1 for identification only.

(Handing.)

Looking, first, at Government's Exhibit D-1, do you recognize this?

A. Yes, I do.

Q. And were you asked to test Government's Exhibit D-1?

A. Yes, I was.

Q. Did you prepare a report to document your findings?

A. Yes, I did.

Q. And is that report what I showed you as Government's Exhibit DL-1 for identification?

A. Yes, it is.

Q. Can you tell us, first, what's contained in Government's Exhibit D-1.

A. Okay. Item 1 is a clear plastic bag containing a white residue.

Item 2, paper towel containing a white residue.

Item 3, a large amount of white, solid material.

Item 4, a clear plastic bag containing Item 5, which was a

~~WHITE - DIRECT~~

1 brown powdered substance in a clear bag.

2 And Item 6, a clear plastic bag containing a green plant
3 substance.

4 **Q.** Now, you said that you tested this exhibit. Can you
5 summarize your findings for us.

6 **A.** Yes.

7 Item 1 was found to be cocaine.

8 Item 2 contained the cocaine.

9 Item 3 was cocaine base, commonly known as crack.

10 Item 5 was heroin.

11 And Item 6 contained marijuana.

12 **Q.** Were you able to determine the weight of any of the items?

13 **A.** Yes, I did. The gross weight -- I did.

14 **Q.** Can you tell us, first, what the difference is between net
15 weight and gross weight.

16 **A.** Yes. If I have, for example -- let's say that this
17 container, this plastic bag (indicating), had white powder. If
18 I weigh the bag and the powder, that's the gross weight because
19 it contain -- it's the weight of the container, plus the
20 contents.

21 The net weight is when I take the weight of the container
22 by itself and subtract it from the gross weight to get the
23 weight of the material inside.

24 **Q.** And were you able to determine either the net weight or
25 the gross weight for any of the items contained in

~~WHITE - DIRECT~~

1 Government's Exhibit D-1?

2 **A.** Yes. For Item 3, the net weight of the cocaine base was
3 approximately 21.06 grams.

4 The net weight of the brown powder in Item 5 was
5 approximately 12.26 grams.

6 And the marijuana was approximately 1.41 grams.

7 **Q.** Thank you.

8 I want to approach now and show you
9 Government's Exhibit D-5. I'm also going to show you
10 Government's Exhibit DL-5 for identification only.

11 (Handing.)

12 First, looking at Government's Exhibit D-5, do you
13 recognize this?

14 **A.** Yes, I do.

15 **Q.** And were you asked to perform a test on
16 Government's Exhibit D-5?

17 **A.** Yes, I was.

18 **Q.** Can you first tell us what was contained in
19 Government's Exhibit D-5.

20 **A.** Yes. Item 1 contained a heat-sealed plastic bag with
21 green-brown, plant-like material.

22 Item 2 contained one plastic bag with green-brown,
23 plant-like material.

24 And Item 3 was a black digital scale that contained
25 residue.

~~WHITE - DIRECT~~

1 Q. And can you summarize the results of your testing with
2 respect to Government's Exhibit D-5.

3 A. Yes, ma'am. Item 1 contained marijuana.

4 Item 2 contained marijuana.

5 Q. And was Item 3 analyzed?

6 A. No, it wasn't.

7 Q. And were you able to determine the weight of any of the
8 items in Government's D-5?

9 A. Yes; just the gross weight.

10 Q. And what was that?

11 A. The gross weight of the -- the gross weight of Item 1 was
12 29.17 grams. And the gross weight of Item 2 was 4.71 grams.

13 Q. Now, finally, I want to approach and show you
14 Government's Exhibits 13-A, 13-B, 13-C, and 13-D, which came
15 into evidence as items recovered during the arrest on
16 January 26th of 2016.

17 I'm also going to show you for identification only
18 Government's Exhibits DL-13-A, DL-13-B, DL-13-C, and DL-13-D.

19 (Hanging.)

20 Starting, first, with DL-13-A, were you asked to test this
21 exhibit?

22 A. DL-13-A, just a second, please.

23 Okay. What was your question again?

24 Q. Were you asked to test DL-13-A?

25 A. Yes, ma'am.

~~WHITE - DIRECT~~

1 Q. And what was contained in DL-13-A -- I'm sorry, D-13-A.

2 A. This is a black digital scale with residue.

3 Q. And what were the results of your analysis?

4 A. The residue contained cocaine and heroin.

5 Q. And turning to D-13-B, were you asked to test this
6 exhibit?

7 A. Oh, here it is. Yes, ma'am.

8 Q. And can you tell us what was contained in D-13-B.

9 A. Yes. Item 1 was a piece of plastic. And Item 2 contained
10 nine green Ziploc bags, each containing a coarse, white powder.

11 Q. And can you tell us the results of your analysis.

12 A. Yes. Item 1 was not analyzed.

13 Item 2 contained cocaine.

14 Q. And were you able to determine a weight for the Item 2?

15 A. Yes, I did. The gross weight for Item 2 was 2.26 grams.

16 Q. Turning now to Government's Exhibit D-13-C, were you asked
17 to test this exhibit?

18 A. Yes, I was.

19 Q. And can you tell us what was -- just what was contained in
20 D-13-C.

21 A. Yes. Item 1 contained one plastic bag that was not
22 analyzed.

23 Item 2 contained nine pieces of plastic bag, each with a
24 tan, solid substance.

25 Item 3 contained two pink Ziploc bags, each with

~~WHITE - DIRECT~~

1 green-brown, plant-like material.

2 Q. And can you summarize the results of your testing.

3 A. Yes, ma'am.

4 Item 1 was not analyzed.

5 Item 2 contained heroin.

6 And Item 3 contained marijuana.

7 Q. And were you able to determine the weights for any of
8 these items?

9 A. Yes. Item 2, the gross weight was 3.91 grams.

10 And Item 2 [sic], gross weight was 2.26 grams.

11 Q. And finally turning to Government's D-13-D, were you asked
12 to test this exhibit?

13 A. Yes, I was.

14 Q. And can you tell us what was contained in D-13-D.

15 A. Yes. Just one item, containing a sandwich bag with a
16 coarse, brown powder.

17 Q. And can you summarize the results of your tests.

18 A. Yes. That was contained -- that was found to contain
19 heroin.

20 Q. And were you able to determine a weight?

21 A. Yes. The gross weight was 5.69 grams.

22 MS. PERRY: Thank you, Mr. White. I have no further
23 questions.

24 MS. WHALEN: No questions.

25 THE COURT: All right. Thank you very much, sir.

~~PITTS - DIRECT ON VOIR DIRE~~

1 You are excused.

2 (Witness excused.)

3 **MS. PERRY:** Your Honor, the Government calls
4 Monique Pitts.

5 **THE CLERK:** Please raise your right hand.

6 MONIQUE PITTS, GOVERNMENT'S WITNESS, SWORN.

7 **THE CLERK:** Please be seated.

8 Please speak directly into the microphone. State and
9 spell your full name for the record, please.

10 **THE WITNESS:** Monique Pitts. First name is spelled
11 M-O-N-I-Q-U-E; last name is spelled P-I-T-T-S.

12 **THE CLERK:** Thank you.

13 DIRECT EXAMINATION ON VOIR DIRE

14 **BY MS. PERRY:**

15 **Q.** Good morning.

16 **A.** Good morning.

17 **Q.** Where do you work?

18 **A.** Baltimore Police Department, forensic science division,
19 drug analysis unit.

20 **Q.** And how long have you been with the Baltimore Police
21 Department?

22 **A.** Since 1999.

23 **Q.** And what is your official title there?

24 **A.** My official title is I am a drug analysis unit supervisor;
25 but I'm also a chemist, certified by the Maryland State

~~FITTS - DIRECT ON VOIR DIRE~~

1 Department of Health.

2 Q. How long have you been in the drug analysis unit?

3 A. Since 2003.

4 Q. What is your educational background?

5 A. I have a Bachelor of Science degree from the University of
6 Maryland in College Park, and I also did a two-year training
7 program in order to get my certification as a chemist. Our
8 training program is overseen by the Maryland Department of
9 Health.

10 Q. Do you routinely chemically analyze substances to
11 determine whether they are or contain narcotics?

12 A. Yes, ma'am.

13 Q. How often?

14 A. Thousands of times.

15 Q. And approximately how many exhibits have you analyzed over
16 the course of your career?

17 A. Oh, tens of thousands. Yes.

18 Q. Have you previously testified in court concerning the
19 analysis you have performed?

20 A. Yes, ma'am.

21 Q. How many times, approximately?

22 A. Upwards of 50 times in court.

23 Q. And on those occasions, were you qualified as an expert?

24 A. Yes, ma'am.

25 MS. PERRY: Your Honor, at this time I would offer

~~PITTS - DIRECT~~

1 Ms. Pitts as an expert in the field of forensic chemistry.

2 **MS. WHALEN:** No objection.

3 **THE COURT:** Based on the witness's education,
4 training, and experience, I will find her qualified to give
5 opinion testimony in the field of forensic chemistry.

6 **THE WITNESS:** Thank you.

7 DIRECT EXAMINATION

8 **BY MS. PERRY:**

9 **Q.** So I want to approach and show you what is in evidence as
10 Government's Exhibit D-8. I'm also going to show you
11 Government's Exhibit DL-8 for identification only. D-8 has
12 come into evidence as evidence seized at Coventry Lane on
13 July 20th of 2015.

14 (Hanging.)

15 First of all, do you recognize Government's Exhibit D-8?

16 **A.** Yes.

17 **Q.** And were you asked to perform testing with respect to
18 Government's Exhibit D-8?

19 **A.** Yes, ma'am.

20 **Q.** Can you first tell us what's contained in
21 Government's Exhibit D-8.

22 **A.** If I may go through the inventory?

23 **Q.** Certainly.

24 **A.** Okay. There were 14 items.

25 Item 1 was a plastic bag containing tan powder.

~~PITTS - DIRECT~~

1 Item 2, one plastic bag containing tan powder.

2 Item 3 was a digital scale containing residue.

3 Item 4 was a mirror with residue.

4 Item 5 was a plastic bottle with a lid containing white
5 powdered substance.

6 Item 6 was a metal hydraulic press with residue on its
7 surfaces.

8 Item 7 was one sandwich bag containing white
9 powdered substance and a piece of cardboard.

10 Item 8 was one plastic bag.

11 Item 9 were three plastic bags containing residue.

12 Item 10 was one plastic bag.

13 Item 11 were eight white-and-purple gelcaps containing a
14 hard, white tablet.

15 Item 12, excuse me, was one plastic bag containing
16 white -- containing plastic bags containing residue.

17 Item 13 was one plastic bag.

18 And Item 14 were six sandwich bags containing tan
19 powdered substance.

20 **Q.** Now, you said that you tested some of the items contained
21 in Government's Exhibit D-8. Can you tell us which items you
22 tested and what the results were.

23 **A.** Okay. I tested Item 1, again, was one plastic bag
24 containing tan powder, found it to be heroin.

25 Item 2 was one plastic bag containing tan powder. I found

~~PITTS - DIRECT~~

1 that to be heroin.

2 Item 3 I did not analyze.

3 Item 4 I did not analyze.

4 Item 5 was a plastic bottle containing white powder, found
5 that to contain no controlled, dangerous substances.

6 **Q.** And before you move on, can I just ask you, with respect
7 to Item 5, was that bottle labeled in any way?

8 **A.** It was labeled. It said -- had a label that said inositol
9 powder.

10 **Q.** Thank you. You can continue.

11 **A.** Okay.

12 Item 6, the metal hydraulic press, I did not analyze.

13 Item 7 was a sandwich bag containing white
14 powdered substance and cardboard. I found that to contain no
15 controlled, dangerous substance.

16 Items 8 and 9, I did not analyze either of those. They
17 were bags of different colors.

18 Item 10 was one plastic bag. I didn't analyze that
19 either.

20 Item 11 were the eight white-and-purple gelcaps containing
21 a hard, white tablet. I analyzed that, found that to contain
22 no CDS.

23 Item 12 were -- was one plastic bag containing residue. I
24 did not analyze that.

25 13 was one plastic bag. I did not analyze that.

~~PITTS - DIRECT~~

1 And Item 14, the six sandwich bags containing tan powder,
2 I found that to be heroin.

3 Q. And were you able to obtain a gross weight for Item 14?

4 A. Item 14, the gross weight, which is the powder and the
5 bags that were -- contained 597 grams -- 597.89 grams.

6 I'm sorry. Excuse me. 596.82 grams. My apologies.

7 Q. Thank you.

8 I now want to approach and show you what has come into
9 evidence as Government's Exhibit D-24 as evidence seized from
10 Shakeen Davis on February 24th of 2017.

11 I'm also going to show you what's been marked for
12 identification only as Government's Exhibit DL-24.

13 (Handing.)

14 Now, looking, first, at Government's Exhibit D-24, were
15 you asked to test this substance?

16 A. Yes, ma'am.

17 Q. And did you document your findings in a report?

18 A. Yes, ma'am.

19 Q. And is that contained in Government's Exhibit DL-24, which
20 is in front of you?

21 A. Yes, ma'am.

22 Q. First of all, can you tell us what's contained in Item --
23 in Government's Exhibit D-24.

24 A. There were five items. I'm sorry. Six items.

25 One -- Item 1 was a multi-colored sock.

~~PITTS - DIRECT~~

1 Item 2 was a plastic bag.

2 Item 3 were four plastic bags containing chunk white rock
3 substance.

4 Item 4 was a plastic tub containing dried green-and-brown,
5 leafy substance.

6 Item 5 was a piece of plastic.

7 And Item 6, which were split into two different items,
8 were four round, green tablets and one piece of a white tablet.

9 **Q.** And can you summarize the results of your findings with
10 respect to these items.

11 **A.** Yes, ma'am.

12 Items number 1 and 2, which were the sock and the plastic
13 bag, I did not analyze.

14 Item 3, the four plastic bags containing chunk white rock
15 substance, found that to be cocaine base.

16 Item No. 4, the plastic tub with the dried
17 green-and-brown, leafy substance, found that to be marijuana.

18 And then Item 6A were four round, green tablets,
19 oxycodone.

20 An Item 6B was one piece of a white tablet, also
21 oxycodone.

22 **Q.** And directing your attention specifically to Item 3, which
23 you described as plastic bags containing chunk white rock
24 substance that you tested to contain cocaine base, were you
25 able to determine a weight for that item?

~~PITTS - CROSS~~

A. The gross weight of the item was 25.25 grams.

MS. PERRY: Thank you.

I have no further questions.

THE COURT: Any questions?

MR. HAZLEHURST: If I may, Your Honor.

THE COURT: Sure, Mr. Hazlehurst.

CROSS-EXAMINATION

BY MR. HAZLEHURST:

Q. Good morning, Ms. Pitts.

A. Good morning.

Q. My name is Paul Hazlehurst. I represent Shakeen Davis
(indicating).

Now, you do not have a doctorate; correct?

A. No, sir.

Q. Okay. But you are certainly qualified as a chemist?

A. Yes, sir.

Q. And you consider yourself a scientist; correct?

A. Yes, sir.

Q. And as a scientist, you follow established protocols to
determine what a substance is; correct?

A. Yes, sir.

Q. Okay. And you don't make guesses and you don't make
assumptions, do you?

A. No, I don't.

Q. All right. You take a substance, you analyze it according

~~PITTS - CROSS~~

1 to a protocol, and only then do you make a conclusion as to
2 what that substance is; correct?

3 A. Correct.

4 Q. Okay. And when you receive a substance that has been
5 given to you by a police officer, it comes to you in -- again,
6 in a protocol; correct? It's basically seized as evidence and
7 ultimately comes to you for analysis; correct?

8 A. Yes, sir.

9 Q. Okay. And when you receive it, you actually -- for
10 instance, you were asked about Item 3 on your inventory. There
11 were things listed as plastic bags containing chunk white rock
12 substance; correct?

13 A. Yes, sir.

14 Q. And so, obviously, you can't analyze the substance that's
15 contained in a plastic bag, can you?

16 A. I'm not sure what you're asking.

17 Q. You can't analyze -- without taking it out of the bag,
18 you can't analyze that substance, can you?

19 A. I can take some substance out the bag, yes, sir.

20 Q. So you have to open the bag, in other words?

21 A. Yes.

22 Q. Okay. First thing you do, though, is you weigh that
23 plastic bag, and that's where you get the gross weight from;
24 correct?

25 A. Yes, sir.

1 Q. And then you take something out of the particular bag, and
2 you run it through that protocol, that testing process;
3 correct?

4 A. Yes, sir.

5 Q. And you use a piece of equipment. What's that piece of
6 equipment called?

7 A. What testing protocol? Which one are you talking about?

8 Q. To establish what the substance is.

9 A. In this case, I used an FTIR/ATR.

10 Q. And what is that exactly?

11 A. That is a Fourier-transfer infrared spectrometer with an
12 attenuated attachment to it, sir.

13 Q. Okay. And so every substance that you come across has a
14 particular profile using that equipment; correct?

15 A. Yes, sir.

16 Q. Okay. And that's how you make your conclusion; right?

17 A. Yes, sir.

18 Q. Okay. And so Item 3 in the inventory -- and you have that
19 in front of you; right?

20 A. Yes, sir.

21 Q. Okay. Says [reading]: Four plastic bags containing chunk
22 white rock substance.

23 Right?

24 A. Yes, sir.

25 Q. Okay. And, again, you weighed all of those bags together

~~PITTS - CROSS~~

1 to come up with that gross weight; right?

2 A. Yes.

3 Q. But you opened one of the bags to determine what the
4 substance is; correct?

5 A. Correct.

6 Q. And you only opened one of the bags; right?

7 A. I looked at all the bags, found that all the bags were
8 packaged -- packaged in the same way, had a similar
9 containment. And so I only actually analyzed one of the bags.
10 That's stated on the report, sir.

11 Q. Okay. So when you take a substance out of the bag and run
12 it through that piece of equipment you described, how long does
13 that process take?

14 A. It depends on what my preliminary testing entails. It
15 depends on what else is in the case, and it also depends on how
16 many other samples are on the instruments.

17 Q. Okay. So to run -- to take that substance, that little --
18 and, again, in this case it was -- looks like used in analysis
19 was .9 -- .09 grams; correct?

20 A. Yes, sir.

21 Q. Okay. To actually put that into the equipment and get a
22 result, how long does that take?

23 A. Put it in the equipment, get a result, less than five
24 minutes.

25 Q. Less than five minutes.

~~PITTS - REDIRECT~~

1 A. Yes.

2 Q. Okay. And so in this case you had four plastic bags, and
3 you tested the contents of one; correct?

4 A. Yes, sir.

5 Q. Okay. And so as a conclusion that is based on scientific
6 evidence based on the use of that equipment, the only bag that
7 you know contained cocaine was one bag; correct?

8 A. Actually, yes. That's what it says on the report, sir.

9 MR. HAZLEHURST: Okay. No further questions,
10 Your Honor.

11 THE COURT: All right. Any redirect?

12 MS. PERRY: Just very briefly, Your Honor.

13 REDIRECT EXAMINATION

14 BY MS. PERRY:

15 Q. Ms. Pitts, why do you -- what is the protocol when there
16 is more than one bag contained in an item number or more than
17 one item?

18 A. Well, as our procedures state, we only analyze one unit of
19 item. As long as everything in that item has the same
20 presentation -- i.e., everything is in plastic bags, all the
21 powder looks the same; if it's in gelcaps, all the powder in
22 the gelcaps look the same; the gelcaps are the same size. That
23 is our sampling protocol. We can certainly do more, but that
24 is our -- that is the base of what we do for each case
25 basically because we get so many drugs in Baltimore.

~~PITTS - REDIRECT~~

1 Q. And so did you do a visual inspection of the items
2 contained in Item 3?

3 A. Yes, ma'am.

4 Q. And did you find that -- what did you find when you looked
5 at the --

6 A. Oh, all the bags were the same size. The powder was
7 consistent between the bags. And so I selected one bag for
8 analysis. As my report states, it says, "One of four
9 analyzed." I'm making no conclusion about the other three
10 in -- the other three bags.

11 MS. PERRY: Thank you.

12 No further questions.

13 MR. HAZLEHURST: Nothing further, Your Honor.

14 THE COURT: Thank you very much.

15 THE WITNESS: Thank you.

16 THE COURT: You are excused.

17 (Witness excused.)

18 MS. PERRY: The Government calls Emmanuel Obot.

19 THE CLERK: Please raise your right hand.

20 EMMANUEL OBOT, GOVERNMENT'S WITNESS, SWORN.

21 THE CLERK: Please be seated.

22 Please speak directly into the microphone.

23 State and spell your full name for the record, please.

24 THE WITNESS: My name is Emmanuel Obot.

25 E-M-M-A-N-U-E-L. Last name is O-B-O-T.

~~OBOT - DIRECT ON VOIR DIRE~~

1 **THE CLERK:** Thank you.

2 DIRECT EXAMINATION ON VOIR DIRE

3 **BY MS. PERRY:**

4 **Q.** Good morning.

5 **A.** Good morning.

6 **Q.** Where are you currently working?

7 **A.** Baltimore City Police drug analysis unit.

8 **Q.** And how long have you been with the Baltimore City Police
9 drug analysis unit?

10 **A.** I've been -- overall, I've been in the department for
11 24 years and in the drug unit for 19.

12 **Q.** And what is your official title?

13 **A.** I'm an analyst, drug analyst.

14 **Q.** What is your educational background?

15 **A.** I have a Master's degree in chemistry.

16 **Q.** What type of training have you received to qualify for
17 your position as a drug analyst?

18 **A.** When you get hired, you know, you take a class. When I
19 got hired, it was for three months. And then you take a test
20 with -- if you pass it, you get certified by Maryland
21 Department of Health and Mental Hygiene.

22 **Q.** Do you routinely chemically analyze substances to
23 determine whether they are or contain narcotics?

24 **A.** Yes.

25 **Q.** Approximately how often?

~~OBOT - DIRECT~~

1 **A.** At least, I would say, depending on the type of drugs, I
2 might do close to a thousand.

3 **Q.** And approximately how many -- is that approximately how
4 many exhibits you believe you've analyzed over the course of
5 your career?

6 **A.** I would say in a year, I might handle approximately a
7 thousand. In 19 years, multiply that.

8 **Q.** Have you previously testified in court concerning the
9 analyses you've performed?

10 **A.** Yes.

11 **Q.** And on those occasions, were you qualified as an expert?

12 **A.** Yes.

13 **MS. PERRY:** Your Honor, at this time, I would offer
14 Mr. Obot as an expert in the field of forensic chemistry.

15 **MS. WHALEN:** No objection.

16 **THE COURT:** All right. Based on his education,
17 training, and experience, I will find the witness qualified to
18 give opinion testimony in the field of forensic chemistry,
19 specifically drug analysis.

20 DIRECT EXAMINATION

21 **BY MS. PERRY:**

22 **Q.** I'm going to approach and show you what I'm marking for
23 identification only at this point as Government's Exhibit D-14,
24 as well as Government's Exhibit DL-14 for identification only.

25 (Handing.)

~~OBOT - DIRECT~~

1 Do you recognize Government's Exhibit D-14?

2 A. Yes.

3 Q. And were you asked to test the substances contained in
4 Government's Exhibit D-14?

5 A. Yes.

6 Q. Can you first tell us what was contained in
7 Government's Exhibit D-14.

8 A. This was a sandwich bag with rock substance.

9 Q. And did you test the exhibit?

10 A. Yes.

11 Q. Can you summarize your -- the results for us.

12 A. This was cocaine base.

13 Q. And did you determine a weight for this exhibit?

14 A. Yes.

15 Q. Can you tell us what that was.

16 A. The weight here was 13.42.

17 Q. And was that the gross weight or the net weight?

18 A. That is the gross weight.

19 Q. Did you also determine a net weight?

20 A. Yes.

21 Q. And what is the net weight?

22 A. The net weight here was 14 -- 12.45 grams.

23 Q. Now, I want to approach and show you

24 Government's Exhibit D-18, as well as

25 Government's Exhibit DL-18 for identification only.

~~OBOT - DIRECT~~

1 Government's Exhibit D-18 has come into evidence as evidence
2 recovered from a search warrant at 7607 Reserve Circle on
3 May 17th of 2016.

4 (Hanging.)

5 Do you recognize Government's Exhibit D-18?

6 **A.** Yes.

7 **Q.** And were you asked to perform a test with respect to
8 Government's Exhibit D-18?

9 **A.** Yes.

10 **Q.** I'm sorry. I believe I approached and gave you the wrong
11 exhibit. Let me approach and actually give you
12 Government's Exhibit D-18.

13 (Hanging.)

14 And looking at Government's Exhibit D-18, were you -- did
15 you -- were you asked to test Government's Exhibit D-18?

16 **A.** Yes.

17 **Q.** And can you tell us what was contained in
18 Government's Exhibit D-18.

19 **A.** There were a few items in here. If I can read, you know,
20 from the list.

21 **Q.** If it would help refresh your recollection.

22 **A.** The first item was a brown paper bag.

23 And then the second item was a folded aluminum foil with
24 brown powder.

25 The third item was a clear plastic bag containing brown

~~OBOT - DIRECT~~

1 powder.

2 The fourth item was a clear plastic bag containing brown
3 powder.

4 The fifth was a clear plastic bag containing brown powder.

5 And the sixth was a gray-capped plastic jar containing
6 green plant material.

7 Q. And did you test Items 2, 3, 4, 5, and 6 of
8 Government's Exhibit D-18?

9 A. Yes.

10 Q. And can you summarize your results for us.

11 A. 2, 3, 4, 5, they were heroin.

12 And then the sixth was marijuana.

13 Q. So looking, first, at Item 2, which you described as
14 aluminum foil with brown powder that you tested and determined
15 was heroin, can you tell us if you were able to determine a net
16 weight for Item 2.

17 A. Yes.

18 Q. What was the net weight?

19 A. 0.0 -- no. Oh, this was 4.60.

20 Q. And looking at Item 3, which was a clear plastic bag
21 containing brown powder, which you just testified you
22 determined was heroin, were you able to determine a net weight
23 for Item 3?

24 A. Yes. Item 3 was 42.67 grams.

25 Q. And looking now at Item 4, which was, again, a clear

~~OBOT - DIRECT~~

1 plastic bag containing brown powder which you identified as
2 heroin, were you able to determine a net weight for Item 4?

3 A. Yes.

4 Q. And what was that?

5 A. That was 5.58 grams.

6 Q. And, finally, turning to Item 5, which, again, was a clear
7 plastic bag containing brown powder that you identified as
8 heroin, were you able to determine a net weight for Item 5?

9 A. Yes.

10 Q. And what was that?

11 A. That was 42.07 grams.

12 Q. Now, I want to approach and show you
13 Government's Exhibit D-23, which has come in as evidence seized
14 on January 25th of 2017.

15 I'm also going to show you Government's Exhibit DL-23 for
16 identification only.

17 (Handing.)

18 Do you recognize Government's Exhibit D-23?

19 A. Yes.

20 Q. And were you asked to test this substance?

21 A. Yes.

22 Q. Can you tell us, first, what was contained in
23 Government's Exhibit D-23.

24 A. This was one clear plastic bag containing white rock
25 substance.

~~OBOT - DIRECT~~

1 Q. Was there a second item contained in
2 Government's Exhibit D-23?

3 A. Yes. This was a sandwich, clear sandwich bag containing
4 green plant material.

5 Q. And with respect to Item 1, can you summarize the results
6 of your testing for us.

7 A. This was heroin and fentanyl.

8 Q. And can you tell us what fentanyl is.

9 A. This is an opiate derivative, stronger -- it's more than
10 general heroin.

11 Q. And were you able to determine a net weight for Item 1,
12 which you just described as heroin and fentanyl?

13 A. That was 4.93.

14 Q. Is that 4.93 grams?

15 A. Yes.

16 Q. And did you determine what, if any, substance was
17 contained in Item 2?

18 A. Yes. That was marijuana.

19 MS. PERRY: Thank you.

20 I have no further questions.

21 MS. WHALEN: No questions.

22 THE COURT: Thank you.

23 Any questions?

24 (No response.)

25 THE COURT: Thank you very much, sir.

1 **THE WITNESS:** You're welcome, Your Honor.

2 **THE COURT:** You are excused.

3 (Witness excused.)

4 **THE COURT:** Perhaps this is a good time for a break.

5 **MS. PERRY:** Yes, Your Honor.

6 **THE COURT:** All right. We'll start by excusing the
7 jury for the mid-morning recess.

8 (Jury left the courtroom at 11:28 a.m.)

9 **THE COURT:** Are we expecting more chemists? Or are we
10 getting close to the letters that are going to be an issue?

11 **MS. PERRY:** Your Honor, there are four more chemists
12 left. They are all here and ready to go. I don't know how
13 long that will take.

14 **THE COURT:** Okay. All right. We'll excuse the
15 gallery.

16 And we'll take our mid-morning recess.

17 (Recess taken.)

18 **THE COURT:** All right. Ms. Amato.

19 **MS. AMATO:** Yes. There's just one issue I wanted to
20 bring up to Your Honor.

21 On behalf of Mr. Anderson, Mr. Anderson objects to the
22 Government introducing evidence relating to drugs that were
23 seized by -- from individuals that are not part of this
24 indictment, not part of the charged conspiracy, not part of the
25 charged RICO.

1 In particular, there was evidence, I believe, that was
2 obtained from an individual by the name of Spence,
3 a/k/a Spittle.

4 And so he objects to that evidence and any other
5 evidence like that from these chemists of drugs that were
6 seized from these individuals and the evidence of the results
7 of those seizures.

8 **THE COURT:** So you've mentioned specifically Spittle.
9 Anyone else?

10 **MS. AMATO:** Yes, that's correct. But I just don't
11 know, I mean, if there's any others that are forthcoming at
12 this point.

13 (The defendant conferred with counsel.)

14 **MS. AMATO:** Right. As for the names, that's the only
15 one at this point that I have.

16 **THE COURT:** Okay. Would you like to respond as to
17 Mr. Spence?

18 **MS. HOFFMAN:** Sure. So Adrian Jamal Spence,
19 a/k/a Spittle, was charged as part of the racketeering
20 conspiracy. As Your Honor knows, he previously pled guilty.

21 There's been testimony from a number of witnesses that
22 Spittle was a high-ranking member of the gang who supplied
23 other members of the gang with drugs, primarily heroin. And so
24 we do believe that the heroin seized from a stash location used
25 by Spittle, as previously testified to, is certainly relevant

1 to the conspiracy.

2 **THE COURT:** Sure. Objection by Mr. Anderson is
3 overruled.

4 Can we have the jury and the next witness.

5 **MR. SARDELLI:** Your Honor, I'm sorry to interrupt.
6 But my client, for the record, wanted me to join in the
7 objection.

8 **THE COURT:** Sure.

9 **MR. TRAINOR:** Your Honor, Mr. Lockley would like to
10 join the objection.

11 **THE COURT:** And they're all overruled.

12 Mr. Hazlehurst.

13 **MR. HAZLEHURST:** Your Honor, just for the record,
14 Mr. Davis as well, and I understand the Court's ruling.

15 **THE COURT:** Pretty frivolous as to Mr. Spence.

16 **DEFENDANT DAVIS:** Your Honor, may I speak, please?

17 **THE COURT:** No, no, no. Sorry.

18 Let's get the jury.

19 (Jury entered the courtroom at 11:50 a.m.)

20 **THE COURT:** All right. Does the Government have
21 another witness?

22 **MS. HOFFMAN:** Yes, Your Honor. The Government calls
23 Lindsay Armstrong.

24 **THE CLERK:** Please raise your right hand.

25 LINDSAY ARMSTRONG, GOVERNMENT'S WITNESS, SWORN.

~~ARMSTRONG - DIRECT ON VOIR DIRE~~

THE CLERK: Please be seated.

Please speak directly into the microphone. State and spell your full name for the record, please.

THE WITNESS: Lindsay Armstrong. First name, Lindsay, L-I-N-D-S-A-Y; last name, Armstrong, A-R-M-S-T-R-O-N-G.

THE CLERK: Thank you.

DIRECT EXAMINATION ON VOIR DIRE

BY MS. PERRY:

Q. Good morning.

A. Good morning.

Q. Where are you currently working?

A. Baltimore City crime laboratory.

Q. And how long have you been with the Baltimore City crime laboratory?

A. Just shy of two years.

Q. What is your title there?

A. I am a Forensic Scientist II.

Q. And what is your educational background?

A. I have two Bachelor of Science degrees from West Virginia University, one in chemistry and one in forensic science.

Q. And what type of training have you received to qualify as a Forensic Scientist II?

A. I completed my training with the Baltimore City Police Department crime laboratory, which culminated -- practical and unknown samples, mock trial, and casework. I completed all of

~~ARMSTRONG - DIRECT ON VOIR DIRE~~

1 that through the Maryland Department of Health certifications
2 and received all three levels of certification.

3 **Q.** Do you routinely chemically analyze substances to
4 determine whether they are or contain narcotics?

5 **A.** I do.

6 **Q.** How often?

7 **A.** As part of my daily duties. I perform some other side
8 work, but it is the primary objective of my daily duties.

9 **Q.** Approximately how many exhibits have you analyzed over the
10 course of your career?

11 **A.** With the -- within the state of Maryland, approximately
12 500 cases.

13 **Q.** Have you previously testified in court concerning the
14 analyses you've performed?

15 **A.** In the state of Maryland, yes, I have.

16 **Q.** Approximately how many times?

17 **A.** Approximately 17 times.

18 **Q.** And on those occasions, were you qualified as an expert?

19 **A.** Yes, I was.

20 **MS. PERRY:** Your Honor, at this time I would offer
21 Ms. Armstrong as an expert in the field of forensic chemistry.

22 **MR. SARDELLI:** No objection, Your Honor.

23 **MS. WHALEN:** No objection.

24 **THE COURT:** All right. Based on the witness's
25 education and her training and experience, I will find

~~ARMSTRONG - DIRECT~~

1 Ms. Armstrong qualified to give opinion testimony in the field
2 of forensic chemistry.

3 DIRECT EXAMINATION

4 **BY MS. PERRY:**

5 **Q.** I'm going to approach now and show you
6 Government's Exhibits 17A, 17 -- D-17-A, D-17-B, and D-17-C,
7 which have come into evidence as seized on May 12th of 2016.

8 I'm also going to show you Government's Exhibits DL-17-A,
9 DL-17-B, and DL-17-C for identification only.

10 (Handing.)

11 Looking first at Government's Exhibit D-17-A, were you
12 asked to -- first of all, do you recognize this?

13 **THE WITNESS:** Your Honor, may I review?

14 **THE COURT:** Yes.

15 **THE WITNESS:** Yes, I do.

16 **BY MS. PERRY:**

17 **Q.** And were you asked to test the substances contained in
18 Government's Exhibit D-17-A, D-17-B, and D-17-C?

19 **A.** Yes, I was.

20 **Q.** Looking, first, at Government's Exhibit D-17-A, can you
21 tell us what was contained in that exhibit.

22 **A.** This item I described as one green, plastic Ziploc bag. I
23 analyzed the one unit, and I identified cocaine base in the one
24 unit analyzed.

25 **Q.** And were you able to determine a weight for that

~~ARMSTRONG - DIRECT~~

1 particular exhibit?

2 **A.** Yes. I determined a net weight.

3 **Q.** And what was the net weight?

4 **A.** 0.18 grams.

5 **Q.** Turning now to Government's Exhibit D-17-B, can you tell
6 us what was contained in this exhibit.

7 **A.** Again, it was one item, one unit, and the unit I analyzed,
8 I was able to identify cocaine base was present.

9 **Q.** And were you able to determine a weight for this
10 particular exhibit?

11 **A.** Yes. This was 0.20 grams.

12 **Q.** And, finally, turning to Government's Exhibit D-17-C, can
13 you tell us what was contained in this exhibit.

14 **A.** This was, again, one item, one unit. I analyzed the only
15 unit. And I also identified cocaine base in this property.

16 **Q.** And were you able to determine a weight for
17 Government's Exhibit D-17-C?

18 **A.** Yes. The net weight in this one was 0.24 grams.

19 **Q.** And can you tell us what cocaine base is.

20 **A.** Cocaine obviously comes from the coca plant. It gets
21 refined, and then it gets cut into two different versions.
22 Cocaine HCL or the salt form is commonly what's seen as a more
23 powdery substance; whereas, cocaine base is the more rock-like
24 form that you'll find cocaine in.

25 **MS. PERRY:** Thank you, Ms. Armstrong. I have no

~~ARMSTRONG~~ - CROSS

1 further questions.

2 **MR. SARDELLI:** May I, Your Honor?

3 **THE COURT:** Certainly, Mr. Sardelli.

4 CROSS-EXAMINATION

5 **BY MR. SARDELLI:**

6 **Q.** Good day.

7 **A.** Hi.

8 **Q.** When did you actually receive the exhibits for
9 examination?

10 **A.** I believe I took them into my custody in September of
11 2018.

12 **Q.** You said September of 2018?

13 **A.** Yes.

14 **Q.** And when did you actually analyze them?

15 **A.** Would you like the exact date?

16 **Q.** Yes, please.

17 **THE WITNESS:** Your Honor, may I refer to the . . .

18 **THE COURT:** You may.

19 **THE WITNESS:** So I took them into my custody on
20 9/11 of 2018, and that is also my sampling date for the
21 evidence.

22 So for State's -- or Government's Exhibit -- I'll go
23 in order. I'm sorry.

24 **BY MR. SARDELLI:**

25 **Q.** It's okay.

~~ARMSTRONG - CROSS~~

1 A. DL-17-A, I took it into my custody on the 11th and
2 returned it on the 12th, performing sampling the morning of the
3 12th.

4 17-B, I took into my custody on the 11th, returned on the
5 13th, and performed my sampling on the morning of the 13th.

6 And 17-C I took into my custody on the 11th and returned
7 on the 11th.

8 Q. So you really did your work analyzing these substances in
9 September of 2018; am I correct?

10 A. Correct.

11 Q. So if this was seized in May of 2018, there is
12 approximately a two-year period there, right, between seizure
13 and when it was analyzed?

14 A. May of 2018?

15 Q. Excuse me. May of 2016 and then you analyzed it September
16 of 2018; correct?

17 A. Correct.

18 Q. That would actually be over two years; correct?

19 A. Correct.

20 Q. Do you know what happened or where the drugs were for that
21 two-year period?

22 A. I can only refer to the chain of custody. I --

23 Q. I'm talking about your personal knowledge.

24 A. I can't speak to where it was other than stored in our
25 vault until I retrieved it.

~~ARMSTRONG - CROSS~~

1 Q. And what you basically do is you receive an alleged
2 substance and you test it to verify what the substance actually
3 is; correct?

4 A. Correct.

5 Q. All right. You don't do DNA testing, for example, do you?

6 A. No, I do not.

7 Q. You don't do fingerprint testing, do you?

8 A. No, I do not.

9 Q. And you said there were actually three exhibits that were
10 sent to you for testing; correct?

11 A. Correct.

12 Q. And I'm -- just to make sure I understand this, you said
13 one unit was tested; am I correct?

14 A. Correct.

15 Q. All right. So would that mean there's three different
16 exhibits, that only one of the exhibits was actually tested?

17 A. No. I'm sorry if I misspoke.

18 So we talk about units within items within properties. So
19 "property" refers to the entire piece of evidence. That is the
20 property.

21 Within that, it might have multiple items. In each of the
22 cases I analyzed, there was actually only one item. And then
23 within each item, there might be multiple units. So it could
24 say ten bags is Item 1. All of these were one item, one unit.

25 So Item 1 was one substance. That's the only one present,

~~ARMSTRONG~~ - CROSS

1 the only one I tested.

2 Q. Was it in, like, one bag or three bags or what was it?

3 A. Each of these were one item, one green, plastic bag; one
4 item, one green, plastic bag; one item, one orange, plastic
5 bag.

6 Q. Okay. So the bags -- there were actually three bags, and
7 two are one color and one was another color. So there were
8 three bags but different colors; am I correct?

9 A. Correct.

10 Q. And do you actually test for purity of the actual drugs?
11 Did you actually test for the purity of the drugs?

12 A. It is not our lab policy to test for the purity.

13 Q. In this case you didn't test for the purity; correct?

14 A. I did not.

15 Q. And by "purity," some drugs are cut and some are more
16 pure, so it has to do with potency; correct?

17 A. Correct.

18 Q. And so you didn't test for purity in this case; correct?

19 A. Correct. I did not.

20 MR. SARDELLI: I have no further questions,
21 Your Honor.

22 THE COURT: Thank you.

23 Anybody else?

24 (No response.)

25 THE COURT: Any redirect?

~~VERGER - DIRECT ON VOIR DIRE~~

1 **MS. PERRY:** No, Your Honor. Thank you.

2 **THE COURT:** Thank you very much.

3 You are excused.

4 (Witness excused.)

5 **THE COURT:** Another witness?

6 **MS. PERRY:** Your Honor, the Government calls
7 Barry Verger.

8 **THE CLERK:** Please raise your right hand.

9 BARRY VERGER, GOVERNMENT'S WITNESS, SWORN.

10 **THE CLERK:** Please be seated.

11 Please speak directly into the microphone.

12 State and spell your full name for the record, please.

13 **THE WITNESS:** My name's Barry Verger, B-A-R-R-Y,
14 V-E-R-G-E-R.

15 **THE CLERK:** Thank you.

16 **THE WITNESS:** You're welcome.

17 DIRECT EXAMINATION ON VOIR DIRE

18 **BY MS. PERRY:**

19 **Q.** Good afternoon.

20 **A.** Good afternoon.

21 **Q.** Where do you work?

22 **A.** Baltimore City Police Department.

23 **Q.** And how long have you worked for the Baltimore City Police
24 Department?

25 **A.** 29 years.

~~VERGER - DIRECT ON VOIR DIRE~~

1 Q. What is your title with the Baltimore City Police?

2 A. I'm a Forensic Scientist II.

3 Q. How long have you been a Forensic Scientist II?

4 A. Since 2002.

5 Q. What is your educational background?

6 A. I have a Bachelor's of Science degree from
7 Towson University in biology.

8 Q. What type of training have you received to qualify as a
9 Forensic Scientist II?

10 A. I've had former -- training with my former supervisor,
11 Dr. Shiv Soni. I've had DEA training, and we're given
12 proficiency tests to show that all our cases are worked out
13 during a year, once a year.

14 Q. And have you passed all your proficiency tests?

15 A. Yes.

16 Q. Do you routinely chemically analyze substances to
17 determine whether they are or contain narcotics?

18 A. Yes.

19 Q. How often?

20 A. At least once a day.

21 Q. Approximately how many exhibits have you analyzed over the
22 course of your career?

23 A. Well over a thousand.

24 Q. And have you previously testified in court concerning the
25 analyses you've performed?

~~VERGER - DIRECT~~

1 **A.** Yes, I have.

2 **Q.** Approximately how many times?

3 **A.** Well over a hundred times.

4 **Q.** And on those occasions, were you qualified as an expert?

5 **A.** Yes, I have.

6 **MS. PERRY:** Your Honor, at this point I would offer
7 Mr. Verger as an expert in the field of forensic chemistry.

8 **THE COURT:** Hearing no objections, based on the
9 witness's education, training, and experience, I'll find him
10 qualified to give opinion testimony in the field of forensic
11 chemistry.

12 **MS. PERRY:** Thank you.

13 DIRECT EXAMINATION

14 **BY MS. PERRY:**

15 **Q.** Now, I'm going to approach and show you what has come into
16 evidence as Government's Exhibit D-20 as an item seized on
17 August 11th of 2016.

18 I'm also going to show you Government's Exhibit DL-20 for
19 identification only.

20 (Handing.)

21 Do you recognize Government's Exhibit D-20?

22 **A.** Yes, I do.

23 **Q.** And were you asked to test Government's Exhibit D-20?

24 **A.** Yes.

25 **Q.** Can you first tell us what was contained in

~~VERGER~~ - DIRECT

Government's Exhibit D-20.

A. One knotted piece of plastic with white substance.

Q. And did you perform testing on that item?

A. Yes, I did.

Q. Can you summarize your findings for us.

A. Yes. It contained heroin.

Q. And were you able to determine a weight for that heroin?

A. The gross weight was 0.51 grams.

MS. PERRY: Thank you. I have no further questions.

THE COURT: Any cross-examination?

MS. WHALEN: No. Thank you.

THE COURT: Thank you very much, sir.

You are excused.

THE WITNESS: Okay. Thank you.

(Witness excused.)

MS. PERRY: Your Honor, the Government calls
Meghan Melnyk.

THE CLERK: Please raise your right hand.

MEGHAN MELNYK, GOVERNMENT'S WITNESS, SWORN.

THE CLERK: Please be seated.

THE WITNESS: Thank you.

THE CLERK: Please speak directly into the microphone.
State and spell your full name for the record, please.

THE WITNESS: Meghan Melnyk, M-E-G-H-A-N, M-E-L-N-Y-K.

THE CLERK: Thank you.

~~MELNYK - DIRECT ON VOIR DIRE~~

DIRECT EXAMINATION ON VOIR DIRE

BY MS. PERRY:

Q. Good afternoon.

A. Hi.

Q. Where do you currently work?

A. I work for the Baltimore Police Department within their drug analysis unit.

Q. And how long have you been with the Baltimore Police Department's drug analysis unit?

A. A little under two years.

Q. What is your official title?

A. I am a Forensic Scientist II.

Q. And what is your educational background?

A. I have a Master's degree and a Bachelor's degree, both from Stevenson University. The Master's is in forensic science, and my Bachelor's is in chemistry.

Q. What type of training have you received to qualify for the position of Forensic Scientist II?

A. So our training program, which is approved by the Department of Health, consists of three phases. And each phase consists of classroom lecture, laboratory practice, a written test, and a practical test.

Q. Have you -- do you routinely chemically analyze substances to determine whether they are or contain narcotics?

A. I do.

~~MELNYK - DIRECT~~

1 Q. How often?

2 A. On a daily basis.

3 Q. Approximately how many exhibits have you analyzed over the
4 course of your career?

5 A. I've analyzed maybe like 500 cases.

6 Q. Have you previously testified in court concerning the
7 analyses you've performed?

8 A. I have.

9 Q. How many times, approximately?

10 A. Four times.

11 Q. And on those occasions, were you qualified as an expert?

12 A. I was.

13 MS. PERRY: Your Honor, at this time I would offer
14 Ms. Melnyk as an expert in the field of forensic chemistry.

15 THE COURT: All right.

16 MS. WHALEN: No objection.

17 THE COURT: All right. Based on the witness's
18 education and training and experience, I will find her
19 qualified to give opinion testimony in the field of forensic
20 chemistry.

21 DIRECT EXAMINATION

22 BY MS. PERRY:

23 Q. So at this time I'm going to approach and show you what's
24 come into evidence as Government's Exhibit 25-A, which is --
25 has come into evidence as recovered on November 16th of 2017.

1 I'm also going to show you Government's Exhibit DL-25-A for
2 identification only.

3 (Handing.)

4 First, do you recognize Government's Exhibit D-25-A?

5 **A.** I do.

6 **Q.** And were you asked to test the substances contained in
7 Government's Exhibit D-25-A?

8 **A.** I was.

9 **Q.** Can you first tell us what was contained in the exhibit.

10 **A.** Each item?

11 **Q.** Yes.

12 **A.** Okay. So Item 1 was two clear-plastic, flip-top, conical
13 containers containing residue.

14 Item 2 was a clear gelcap containing an off-white
15 powdered substance.

16 Item 3 was one small, clear, yellowish-green flip-top jug
17 containing a tan powdered substance.

18 Item 4 was one clear, folded plastic bag secured with two
19 staples containing a white residue.

20 Item 5 was one piece of clear plastic containing a tan
21 rock substance.

22 Item 6 was one clear plastic bag with indistinguishable
23 black markings and a knotted top, containing a white
24 powdered substance.

25 Item 7 was one clear plastic bag secured with two staples.

~~MELNYK - DIRECT~~

1 And Item 8 was ten clear gelcaps containing an off-white
2 powder substance.

3 Q. And which of the items contained in
4 Government's Exhibit D-25-A did you test?

5 A. I tested Items 2, 3, 5, 6, and 8.

6 Q. And can you summarize your findings with respect to those
7 items for us.

8 A. Sure. Item No. 2 contained heroin, cocaine, and fentanyl.
9 Item 3 contained cocaine base.

10 Item 5 was no CDS, which is no controlled, dangerous
11 substances.

12 Item 6 was fentanyl.

13 And Item 8 contained heroin, fentanyl, and
14 furanylfentanyl.

15 Q. Can you tell us what furanylfentanyl is.

16 A. It's a fentanyl analogue, so it contains a similar
17 structure to fentanyl, but it's a little bit different.

18 Q. And were you able to determine the weight of any of the
19 controlled substances you've just described?

20 A. For the units I analyzed, yes.

21 Q. And can you tell us -- can you summarize for us the
22 weights that you were able to determine.

23 A. Sure. So for each item, I analyzed one unit. So the
24 weights are for that unit. The gross weight, which includes
25 the weight of the packaging, for Item No. 2 was 0.16. The net

~~MELNYK - DIRECT~~

weight, which removes the weight of the packaging, was .06.

And these are all grams.

Item No. 3, the gross weight was 0.38 grams and the net weight was .05 grams.

Item No. 5, the gross weight was 0.24 grams, and the net weight was 0.18 grams.

Item No. 6, the gross weight was 10.63 grams, and the net weight was 9.25 grams.

And for Item 8, the gross weight was 3.66 grams with a net weight of 0.27 grams.

MS. PERRY: Thank you, Ms. Melnyk.

THE WITNESS: You're welcome.

MS. PERRY: I have no further questions.

THE COURT: Any cross-examination?

MS. WHALEN: No. Thank you.

THE COURT: Thank you very much. You are excused.

THE WITNESS: Thank you.

(Witness excused.)

MS. PERRY: Your Honor, the Government calls Mohammed Majid.

THE CLERK: Please raise your right hand.

MOHAMMED MAJID, GOVERNMENT'S WITNESS, SWORN.

THE CLERK: Please be seated.

Please speak directly into the microphone.

State and spell your full name for the record, please.

~~MAJID - DIRECT ON VOIR DIRE~~

THE WITNESS: I am Dr. Mohammed Abdul Majid.

THE CLERK: Spell your full name, please.

THE WITNESS: M-O-H-A-M-M-E-D, A-B-D-U-L, M-A-J-I-D.

THE CLERK: Thank you.

DIRECT EXAMINATION ON VOIR DIRE

BY MS. PERRY:

Q. Good afternoon.

A. Good afternoon, ma'am.

Q. Where do you work?

A. I work for -- in the crime laboratory of the Baltimore Police Department.

Q. And how long have you worked in the crime laboratory at the Baltimore Police Department?

A. About 19 years.

Q. What is your title there?

A. I work as Forensic Scientist II.

Q. What is your educational background?

A. Actually, I am Ph.D. in doctor of medical sciences.

Q. What type of training have you received to qualify for your position as a Forensic Scientist II?

A. First, when I join in 2000, I was trained to analyze the drug cases by seminars and attending the conferences and doing practical demonstrations, like that.

Q. Do you routinely chemically analyze substances to determine whether they are or contain narcotics?

~~MAJID - DIRECT~~

1 A. Yes.

2 Q. How often?

3 A. Daily.

4 Q. Approximately how many exhibits have you analyzed over the
5 course of your career?

6 A. Thousands.

7 Q. Have you previously testified in court concerning the
8 analyses you have performed?

9 A. Yes.

10 Q. How many times, approximately?

11 A. Per year, average about five, six times.

12 Q. And on those occasions, were you qualified as an expert?

13 A. Yes.

14 MS. PERRY: Your Honor, at this time I would offer the
15 witness as an expert in the field of forensic chemistry.

16 MS. WHALEN: No objection.

17 THE COURT: All right. Based on the witness's
18 education, training, and experience, I will find him qualified
19 to give opinion testimony in the field of forensic chemistry.

20 DIRECT EXAMINATION

21 BY MS. PERRY:

22 Q. At this time I'm going to approach and show you what has
23 come into evidence as Government's Exhibit D-11 as recovered
24 from a search warrant on July 31st of 2015.

25 I'm also going to show you Government's Exhibit DL-11 for

~~MAJID - DIRECT~~

1 identification only.

2 (Handing.)

3 Do you recognize Government's Exhibit D-11?

4 **A.** Yes.

5 **Q.** And were you asked to test the substances contained in
6 Government's Exhibit D-11?

7 **A.** Can you repeat that question, please. Sorry.

8 **Q.** Were you asked to test the substances contained in
9 Government's Exhibit D-11?

10 **A.** Yes.

11 **Q.** Can you first tell us what was contained in
12 Government's Exhibit D-11.

13 **A.** Actually, total about seven items were there in the case.

14 **Q.** And of those seven items, how many of them were you asked
15 to test?

16 **A.** I analyzed about six -- five out of them.

17 **Q.** Which item numbers did you analyze?

18 **A.** I analyze Item No. 2, then Item No. 3, then Item No. 5,
19 Item No. 6, and Item No. 7.

20 **Q.** Starting with Item No. 2, what was Item No. 2?

21 **A.** It was one Ziploc bag with plant material.

22 **Q.** And can you summarize the results of your testing with
23 respect to Item 2.

24 **A.** We found that it contains marijuana.

25 **Q.** And were you able to determine a weight for Item 2?

~~MAJID - DIRECT~~

1 A. Yes.

2 Q. What was that?

3 A. It was 1.56 grams.

4 Q. And is that the gross weight or the net weight?

5 A. It is the gross weight.

6 Q. Turning now to Item 3, can you tell us what was contained
7 in Item 3.

8 A. It was one blue, round tablet.

9 Q. And can you tell us the results of your testing with
10 respect to Item 2.

11 A. Item 2 is marijuana, I said.

12 Q. Oh, I'm sorry. With respect to Item 3.

13 A. It was -- we found it to contain oxycodone.

14 Q. And I believe you said the next item you tested was Item
15 No. 5?

16 A. Yes.

17 Q. Can you tell us what Item No. 5 was.

18 A. It contained 36 green Ziploc bags with white substance.

19 Q. And can you summarize the results of your testing.

20 A. We found it to contain cocaine.

21 Q. And of the 36 bags, how many were tested?

22 A. One.

23 Q. And were you able to determine a weight for Item No. 5?

24 A. Yes. It was 8.75 grams.

25 Q. And is that the gross weight or the net weight?

~~MAJID - DIRECT~~

1 **A.** It's the gross weight.

2 **Q.** Turning to Item 6, did you test Item 6?

3 **A.** Yes.

4 **Q.** And what was contained in Item 6?

5 **A.** It was one plastic bag with white substance.

6 **Q.** And what were the results of your testing?

7 **A.** It contained cocaine.

8 **Q.** And were you able to determine a weight?

9 **A.** Yes. It was 3.52 grams.

10 **Q.** And, again, was that the gross weight?

11 **A.** Yes. It's all gross weight.

12 **Q.** And, finally, turning to Item No. 7, can you tell us what
13 was contained in Item No. 7.

14 **A.** It was one Ziploc bag with white substance.

15 **Q.** And can you summarize the results of your findings with
16 respect to Item 7, please.

17 **A.** It contained cocaine.

18 **Q.** And were you able to determine a gross weight?

19 **A.** Yes. The gross weight was 1.66 grams.

20 **MS. PERRY:** Thank you, Doctor. I have no further
21 questions.

22 **THE COURT:** Any questions?

23 (No response.)

24 **THE COURT:** All right. Thank you very much, sir.

25 **THE WITNESS:** Thank you.

1 **THE COURT:** You are excused.

2 (Witness excused.)

3 **THE COURT:** Can I see counsel at the bench, please.

4 (Bench conference on the record:

5 **THE COURT:** Have you run out of witnesses?

6 **MS. HOFFMAN:** No, we haven't run out of witnesses.

7 But our next witness would be Jonathan English, and so I think
8 we do need to hash out the objections before we call him.

9 **THE COURT:** Is there anybody else that we could call?

10 **MS. PERRY:** I don't -- we have another witness who we
11 expect to be here at 12:30. I'm not sure that he's here yet.
12 I can check with the agent quickly.

13 **MS. HOFFMAN:** I think he may have just gotten --
14 Joe Schmidt is here.

15 Did you have an objection with respect to him or are
16 we --

17 **MS. AMATO:** No. I think we've resolved that issue.

18 (Counsel conferred.)

19 **THE COURT:** All right. Why don't we see if we can put
20 him in instead.

21 Thank you.)

22 (Bench conference concluded.)

23 **MS. PERRY:** Your Honor, the Government calls
24 Officer Joseph Schmidt.

25 **THE COURT:** All right.

~~SCHMIDT - DIRECT~~

1 WITNESS NAME, GOVERNMENT'S WITNESS, SWORN.

2 **THE CLERK:** Please raise your right hand.

3 OFFICER JOSEPH SCHMIDT, GOVERNMENT'S WITNESS, SWORN.

4 **THE CLERK:** Please speak directly into the microphone.

5 State and spell your full name for the record, please.

6 **THE WITNESS:** Full name is Joseph Schmidt,

7 J-O-S-E-P-H, S-C-H-M-I-D-T, the Maryland

8 Transportation Authority Police.

9 **THE CLERK:** Thank you.

10 DIRECT EXAMINATION

11 **BY MS. PERRY:**

12 **Q.** Good afternoon.

13 **A.** Good afternoon.

14 **Q.** With which law enforcement agency do you work?

15 **A.** The Maryland Transportation Authority Police.

16 **Q.** And what is your title with the Maryland

17 Transportation Authority Police?

18 **A.** Senior officer.

19 **Q.** How long have you been with the Maryland

20 Transportation Authority Police?

21 **A.** Approximately 18 years.

22 **Q.** And can you briefly describe your duties and

23 responsibilities as a member of the MDTA Police.

24 **A.** So we secure the thoroughfares through Maryland, like the

25 highways, toll facilities, airport, seaport, stuff like that.

~~SCHMIDT - DIRECT~~

1 Q. And I want to direct your attention to February of 2014.
2 What was your assignment back then?

3 A. I was assigned to BWI Airport at the A pier screening
4 point.

5 Q. Can you just tell us what that means.

6 A. So that's the checkpoint that comes in through the airport
7 where everybody goes through screening to get to the gates.

8 Q. Now, I want to direct your attention specifically to
9 February 15th of 2014, at about 3:30 p.m. Were you working on
10 that particular date and time?

11 A. Yes.

12 Q. And what were you doing at that time?

13 A. So I was assigned to the A pier area and normal patrol
14 duties, just walking around. And on that date, I was called to
15 the screening point.

16 Q. When you say you were called to the screening point, can
17 you tell us who you got a communication from.

18 A. TSA.

19 Q. And when you got the communication from TSA, where did you
20 go?

21 A. To the A pier screening line. And at that point I met
22 with a TSA agent. He showed me that there was a bag -- there
23 was a carry-on bag and there was currency that was in there.
24 There was a large amount of currency. And he stated that it
25 was packaged --

~~SCHMIDT - DIRECT~~

1 **MS. AMATO:** Objection to hearsay.

2 **THE COURT:** Sustained.

3 **BY MS. PERRY:**

4 **Q.** Without telling us what the TSA agent said to you, can you
5 tell us what you observed.

6 **A.** So I observed a black carry-on bag sitting on the x-ray
7 lane. And beside the black carry-on bag was two U.S. postal
8 envelopes, and they were filled with U.S. currency.

9 **Q.** Can you describe how large the envelopes were.

10 **A.** They were like shipping envelopes, fairly large.

11 **Q.** And when you say, "They were filled with U.S. currency,"
12 can you describe what that looked like.

13 **A.** It was just random denominations of cash that was
14 rubber-banded together in the bags.

15 **Q.** Now, after you observed this, what did you do?

16 **A.** So I asked who the owner of the bag was.

17 And a Charles Banks stated that it was his bag.

18 And I asked him about the currency and if -- what he was
19 doing with it.

20 He told me that he was going to --

21 **MS. AMATO:** Objection; hearsay.

22 **THE COURT:** Is there any exception?

23 **MS. PERRY:** Yes, Your Honor. It's not the --

24 **THE COURT:** Do you want to approach the bench.
25

1 (Bench conference on the record:

2 **MS. PERRY:** So, Your Honor, I'm not offering it for
3 the truth of the matter. Mr. Banks -- I believe the witness
4 will testify that Mr. Banks told him that the money he was
5 taking to Vegas, even though the officer recovered a plane
6 ticket for a location in Texas.

7 And certainly it's to inform what the officer did
8 next. The information provided by the passenger is relevant to
9 show what the officer did next, so I am certainly not offering
10 it for the truth of the matter asserted.

11 **MS. AMATO:** And, Your Honor, to be frank, I'm not
12 quite sure -- well, I guess I'd like to know, what is it that
13 then the officer did next? Because to me I still believe that
14 the Government is seeking it for the truth of the matter.

15 I mean, they're seeking the information -- I mean, I'd
16 like to know what is it that the officer is going to say that
17 he did next. Like, why is this statement relevant to come in
18 for what the officer did next?

19 **THE COURT:** So the statement is that he had the money
20 and he was taking it to Vegas.

21 **MS. AMATO:** Right.

22 **THE COURT:** And what did the officer do next?

23 **MS. PERRY:** So the officer obtained identification
24 from him; obtained a plane ticket that was for a Texas
25 location, not for Vegas; and brought him down to the internal

1 precinct where he waited to obtain further information, where
2 he wanted further information explaining the reason for the
3 cash, at which point Ms. Amato's client, Mr. Anderson, showed
4 up with receipts to claim the money.

5 **THE COURT:** Ah.

6 **MS. AMATO:** So, Your Honor, I don't see the relevance
7 of what the witness said in terms of where he was going or what
8 his purpose for the money was. I mean, the bottom line is they
9 still would have sought to investigate further because he
10 didn't have --

11 **THE COURT:** The ticket turned out to be different from
12 what he said, which is, therefore -- I will be happy to give
13 the jury an instruction, if you'd like, that that statement by
14 Mr. Banks is not being offered for the truth of it, but only to
15 explain actions that the officer took next, if you want me to.

16 **MS. AMATO:** That's fine. I mean, I would still
17 object, but that's fine.

18 **THE COURT:** Of course. Of course. You're not waiving
19 your objection. Okay.)

20 (Bench conference concluded.)

21 **THE COURT:** So if you want to go ahead with the
22 question, and then I'll instruct the jury.

23 **MS. PERRY:** Thank you.

24 **BY MS. PERRY:**

25 **Q.** Officer Schmidt, after you approached and observed the

~~SCHMIDT - DIRECT~~

1 currency that you described, you said that you had a
2 conversation with the individual who was -- whose bag it was.
3 What did that person tell you?

4 **A.** Mr. Banks told me that he was given the currency by his
5 nephew, and he said that he was given the currency to go to
6 gamble with it.

7 I asked him if he had any documentation of where the
8 currency came from.

9 And he advised me that he did not, but his nephew did and
10 he could bring it out and prove.

11 So I asked him if he would accompany me to our police
12 station at the airport and have his nephew bring out the
13 documentation, and he agreed he would.

14 **THE COURT:** All right. And, ladies and gentlemen, let
15 me instruct you what Mr. Banks allegedly said to this witness
16 is not being offered for the truth of it. We don't have
17 Mr. Banks here. It's only to explain what the officer did and
18 subsequent actions that he took regarding this money.

19 **BY MS. PERRY:**

20 **Q.** Now, Officer, you said that Mr. Banks told you he was
21 going to gamble with the money. Did he tell you where he was
22 going?

23 **A.** He had had a ticket on Southwest to fly to Houston.

24 **Q.** But did he tell you where he was going?

25 **A.** He said he was going to Vegas.

~~SCHMIDT - DIRECT~~

1 Q. And you said that he had a ticket. Did he provide that
2 ticket to you?

3 A. He did.

4 Q. Did he provide you with any other identification?

5 A. He provided me with his driver's license as well.

6 Q. And did you make copies of those documents?

7 A. I did.

8 Q. So I'm going to show you Government's Exhibit AP-1-A.

9 What are we looking at here?

10 A. So this is the Maryland driver's license that Mr. Banks
11 provided me and also the Southwest boarding pass for Mr. Banks
12 flying from BWI to Houston.

13 Q. Now, after your conversation with Mr. Banks, what did you
14 do next?

15 A. After the conversation, we walked from the A pier
16 screening point to the station. And along the way, he made a
17 phone call to his nephew and asked him to bring out the
18 documentation for the cash.

19 Q. And were you able to overhear that call?

20 A. I did.

21 Q. At that point what did you do?

22 A. We got to the station. And a short time later, I had
23 notified our detectives. And subsequently, they notified ICE
24 and DEA all at the same time when we have a large amount of
25 currency.

~~SCHMIDT - DIRECT~~

1 They all arrived to the station and along with Mr. Banks'
2 nephew, which is Corloyd Anderson, and he brought in some
3 documentation for the currency as well.

4 **Q.** Let me back up a little bit.

5 When you first get to the station with Mr. Banks, did you
6 take any other investigative steps?

7 **A.** Yes.

8 **Q.** What investigative steps?

9 **A.** So we had a K9 dog also arrive at the station. It was a
10 narcotics K9 detection dog.

11 **Q.** And what happened when the K9 arrived?

12 **MS. AMATO:** Your Honor, objection. May we approach?

13 **THE COURT:** All right.

14 (Bench conference on the record:

15 **MS. AMATO:** Your Honor, I -- so I object to this
16 witness talking about the K9's results. He is not the K9
17 handler.

18 Whatever information relative to the K9 and
19 communication that the K9 gave to his handler should be
20 introduced through the K9 officer himself.

21 It's hearsay, quite frankly, in terms of the results,
22 in terms of anything to do with how that K9 officer would have
23 taught his dog in terms of what the dog should be doing. And
24 I'm sure the results would have been then communicated to this
25 officer.

1 **THE COURT:** Okay. How does whatever -- I mean,
2 presumably the dog -- he was told the dog alerted?

3 **MS. PERRY:** Yes.

4 **THE COURT:** How, if at all, did that affect what --
5 his actions?

6 **MS. PERRY:** So based on the dog alerting, he continued
7 to wait for Mr. Anderson to arrive with the documentation.

8 Ultimately, no one was arrested. They simply received
9 this documentation. And all parties were --

10 **THE COURT:** I'll sustain the objection, then. I don't
11 see that it adds anything to it. It is hearsay.)

12 (Bench conference concluded.)

13 **THE COURT:** Do you want to just move on to the next
14 part.

15 **BY MS. PERRY:**

16 **Q.** So, Officer Schmidt, at any point did you determine how
17 much currency was contained in these envelopes?

18 **A.** Mr. Banks said it was \$80,000.

19 **Q.** And based on your observations, did it appear consistent
20 with it being \$80,000?

21 **A.** Yes.

22 **Q.** Now, you said that there was a time when another
23 individual arrived. Do you recall that individual's name?

24 **A.** Mr. Corloyd Anderson.

25 **Q.** I'm going to show you Government's Exhibit IND-2.

~~SCHMIDT - DIRECT~~

1 Do you recognize this person?

2 A. That looks like Mr. Corloyd Anderson.

3 Q. And when Mr. Anderson arrived, did he provide you with
4 anything?

5 A. He did. He provided me with a driver's license as well.

6 Q. And did you make copies of that license?

7 A. Yes.

8 Q. I'm going to show you Government's Exhibit AP-1-B.

9 What are we looking at here?

10 A. This is the Maryland driver's license that Mr. Anderson
11 provided and also an auction access that Mr. Anderson provided
12 with his picture and name on it.

13 Q. And once Mr. Anderson arrived, what happened?

14 A. Mr. Anderson gave me a different story of where the money
15 was supposed to be used for. He said that it was supposed to
16 be for car purchases for his business, and then he also
17 provided me with Maryland Casino Live! documentation for the
18 currency.

19 Q. You said he provided you with Maryland documentation. Did
20 you obtain copies of that?

21 A. Yes.

22 Q. And what were those forms, if you recall?

23 A. They were Maryland Casino Live! receipts for gambling.

24 Q. I'm going to show you Government's Exhibit CAS-1.

25 Do you recognize what we're looking at here?

~~SCHMIDT - DIRECT~~

1 **A.** Yes. This is the Maryland Casino Live! receipt.

2 **Q.** And can you just tell us what was the date on this first
3 one.

4 **A.** August 30th, 2013.

5 **Q.** And then were there two others?

6 **A.** There was.

7 **Q.** And what was the date on the second one?

8 **A.** December 13th, 2013.

9 **Q.** And the third one?

10 **A.** August 30th, 2013.

11 **Q.** Now, Officer Schmidt, based on your over 18 years as an
12 MDTA officer, was this situation in your -- was this situation
13 something you would typically see?

14 **A.** No.

15 **Q.** Can you explain.

16 **A.** So the stories weren't matching up between the two
17 individuals, and with the way that the money was packaged and
18 being traveled with is not a common way to see that much
19 currency come through the airport.

20 **Q.** And can you just describe how the currency was packaged.

21 **A.** It was randomly, like, stuffed into the shipping envelopes
22 and sealed.

23 **Q.** And could you see anything about the denominations?

24 **A.** They were all different denominations. It wasn't like
25 banded together hundreds and fifties and stuff like that. It

~~SCHMIDT~~ - CROSS

1 was all over.

2 **MS. PERRY:** Court's indulgence.

3 Thank you. I have no further questions.

4 Ms. Amato.

5 **MS. AMATO:** Yes. Thank you.

6 CROSS-EXAMINATION

7 **BY MS. AMATO:**

8 **Q.** Good afternoon.

9 **A.** Good afternoon.

10 **Q.** I represent Mr. Corloyd Anderson.

11 Officer Schmidt, you basically on February 15th, 2014, you
12 were there doing your usual job; correct?

13 **A.** Yes.

14 **Q.** All right. And you were -- as you said, that was to
15 basically walk around the area and just observe?

16 **A.** Correct.

17 **Q.** Until you were then notified to come to a specific
18 screening area?

19 **A.** Yes.

20 **Q.** All right. And that screening area was for passengers who
21 were traveling from the Baltimore area elsewhere?

22 **A.** Correct.

23 **Q.** And that's where you encountered Mr. Charles Banks?

24 **A.** Yes.

25 **Q.** And that's where you encountered the currency?

1 **A.** Yes.

2 **Q.** Now, when you encountered the currency, it had already
3 been searched?

4 **A.** It -- the envelope was already opened, yes.

5 **Q.** Okay. The envelope was already opened. So you didn't
6 actually see it in its pristine sort of form the way it was
7 originally observed by the screening agents?

8 **A.** I didn't see it in the suitcase. But once the TSA agents
9 got permission to open the sealed envelope, they left it alone
10 when they saw it was currency.

11 **Q.** Okay. So it was in a carry-on bag?

12 **A.** Yes.

13 **Q.** And one carry-on bag?

14 **A.** Yes.

15 **Q.** Now, Mr. Banks was clearly cooperative.

16 **A.** Yes.

17 **Q.** All right. He certainly didn't separate himself from
18 possession of the bag with the currency.

19 **A.** No.

20 **Q.** He voluntarily accompanied you to a different location;
21 correct?

22 **A.** Yes.

23 **Q.** It was a location that was in the building or in a
24 different building?

25 **A.** In the building.

1 Q. Okay. And he never denied ownership of the bag?

2 A. No.

3 Q. He never denied knowing that there was currency in the
4 bag?

5 A. No.

6 Q. And he was basically familiar with the value of the
7 currency?

8 A. Yes.

9 Q. The 80,000, I think you said?

10 A. Yes.

11 Q. Okay. All right. And he was very quick to inform you of
12 where he had obtained the money?

13 A. Yes.

14 Q. Okay. Now, he told you that he was going to Vegas.

15 A. Yes.

16 Q. All right. And once you met -- and I'm kind of jumping
17 ahead.

18 Well, once you saw that he had a ticket for Texas, you did
19 not do any further questioning of him in terms of saying, Hey,
20 but, by the way, we've seen that you have a ticket for Texas.
21 Where is your ticket to Vegas?

22 Correct?

23 A. Correct.

24 Q. All right. So you just left it with him the way it was?

25 A. Correct.

~~SCHMIDT - CROSS~~

1 Q. Now, he was allowed to call Mr. Anderson --

2 A. Yes.

3 Q. -- who was his nephew?

4 A. Yes.

5 Q. And then Mr. Anderson showed up?

6 A. Yes.

7 Q. And at that point Mr. Anderson provided the identification
8 which you identified?

9 A. Yes.

10 Q. And he also showed that he had an access -- an AutoACCESS
11 card [sic] which permitted him to purchase vehicles.

12 A. Yes.

13 Q. And his -- Mr. Anderson, when he told you what the money
14 was for, it was consistent with the ticket that his nephew
15 had --

16 A. Yes.

17 Q. -- to go to Texas.

18 Yes?

19 A. Yes.

20 Q. Okay. And Mr. Anderson provided you with casino, as you
21 said, casino gambling winnings from Maryland Live!

22 A. Yes.

23 Q. All right. And the -- and I'm going to show you, it's
24 Government's Exhibit -- and, actually, I don't recall which
25 exhibit number. I believe CS -- CAS-1 and 2, I believe.

~~SCHMIDT - CROSS~~

1 **MS. AMATO:** Ms. Moyé?

2 **THE CLERK:** There you go.

3 **MS. AMATO:** Thank you.

4 **BY MS. AMATO:**

5 **Q.** And so this was one of the Maryland Live! Casino records
6 that he showed you; correct?

7 **A.** Yes, ma'am.

8 **Q.** All right. And this one is dated just --

9 **A.** December 13th.

10 **Q.** Right. Of 2013?

11 **A.** Correct.

12 **Q.** Okay. So this was just approximately three months prior
13 to his stop -- the stop and the recovery of the money; correct?

14 **A.** Yes.

15 **Q.** All right. And this one -- this particular winning was
16 for \$70,000.

17 **A.** Yes.

18 **Q.** All right. So that was basically the bulk of where the
19 money was coming from that he was showing you; correct?

20 **A.** That's what he said, yes.

21 **Q.** Right. And then the rest of it was obviously in lesser
22 denominations. Just as an example, there were other winnings.
23 And these denominations were in the range of 1,420. Actually,
24 there were several like that; correct?

25 **A.** There was two for 1,420 on the exact same date.

~~SCHMIDT - CROSS~~

1 Q. Okay. All right. Do you gamble?

2 A. I do not.

3 Q. All right.

4 MS. AMATO: Court's indulgence.

5 BY MS. AMATO:

6 Q. And you mentioned that as to the money, you did not take
7 any pictures of the money; correct?

8 A. I did not, no, ma'am.

9 Q. All right. And no one was arrested on that day, were
10 they?

11 A. No.

12 MS. AMATO: Thank you.

13 I have no further questions.

14 THE COURT: Thank you.

15 MS. WHALEN: No questions.

16 THE COURT: Any redirect?

17 MS. PERRY: No, Your Honor.

18 Thank you.

19 THE COURT: Thank you very much, sir.

20 You are excused.

21 (Witness excused.)

22 THE COURT: All right. If I could see counsel again
23 just briefly on the schedule.

24 (Bench conference on the record:

25 THE COURT: I'm assuming this would be a good

1 opportunity to send the jury out, give them a little bit
2 longer, bring them back at 2:00, then we can talk about these
3 letters.

4 **MS. HOFFMAN:** That would be great. Thank you.

5 **THE COURT:** Okay.)

6 (Bench conference concluded.)

7 **THE COURT:** All right. Ladies and gentlemen, there
8 will be another witness, but it looks as though this is a good
9 opportunity for me to discuss something with counsel. And the
10 witness will be available this afternoon. So I'm going to give
11 you just a little bit longer lunch hour than usual.

12 Please go out and have lunch and come back at
13 2 o'clock. And there will be a witness for you this afternoon.

14 Thank you very much.

15 (Jury left the courtroom at 12:40 p.m.)

16 **THE COURT:** Okay. So your next witness is going to
17 testify to a search of jail cells at Northern Neck Regional
18 Jail; is that right?

19 **MS. HOFFMAN:** That's right. Jonathan English searched
20 the jail cell -- well, it was a jail dormitory area belonging
21 to Tara Whyte, where the series of letters and photos were
22 recovered.

23 **THE COURT:** Okay. And I have in front of me various
24 labeled items. I'm not -- some of them are labeled; some of
25 them aren't.

1 **MS. WHALEN:** Right. I wanted to -- I think you didn't
2 have the benefit of the e-mail I sent the Government, so there
3 are some -- a little bit of confusion as I looked at it about
4 my highlighting.

5 So if I can make it a little clearer.

6 **THE COURT:** Sure.

7 **MS. WHALEN:** The first exhibit, I believe, is GP-16-B,
8 and --

9 **THE COURT:** I have that, GP-16-B, and it is just one
10 page of handwriting.

11 **MS. WHALEN:** Right. And what I propose should be
12 redacted is the paragraph that I did kind of highlight the side
13 there. And it says -- starts with, "Lastly, I want to speak."

14 And then I wanted that to end at the -- it's not a
15 paragraph. It's just a statement: Now give me some --

16 **THE COURT:** Right.

17 **MS. WHALEN:** So that was for the first exhibit.

18 **MS. HOFFMAN:** Do you want to object -- I'm sorry.

19 Do you want to do them one by one and I can respond?

20 **MS. WHALEN:** Sure.

21 **MS. HOFFMAN:** I think we don't oppose the majority of
22 that redaction.

23 I did want the last -- and it might be -- if I could
24 put it up on the screen.

25 **THE COURT:** Okay.

1 **MS. HOFFMAN:** So just this -- don't pay attention to
2 that. Sorry.

3 But just this line here [reading]: All you got to do
4 is open the door of your heart, and Gutta will be standing
5 there open-armed.

6 I think the use of the word "Gutta," there's been
7 evidence that's the nickname of Dante Bailey is relevant.

8 But then we would agree to redact the rest, including,
9 of course, this part (indicating). And then we even agree to
10 redact everything else.

11 I just really want this line with the mention of Gutta
12 and then this name and address here (indicating).

13 **THE COURT:** Okay. Is that agreeable?

14 **MS. WHALEN:** It is, Your Honor.

15 **THE COURT:** All right.

16 **MS. WHALEN:** The next one was GP-16-C. I actually
17 didn't have any highlight on that, and I would ask that the
18 entire exhibit not be admitted.

19 It is, as Your Honor could tell, sort of a -- what
20 appears to be my client talking about, if believed, it would be
21 about his life; goes back into when he was a juvenile or things
22 that he purportedly did.

23 Frankly, I don't -- looking at his prior record, I
24 don't think some of that is actually accurate. It appears to
25 be my client sort of wooing, if you will, Ms. Whyte and talking

1 about other people who did things and talking about a snitch
2 and about a person that she was involved with.

3 Essentially, Your Honor, I would suggest that there is
4 nothing in this that is -- oh, and then the very end, the
5 questionnaire [reading]: If I put a gun to your head -- this
6 is Point No. 9 -- and told you where --

7 **THE COURT:** Right. Right.

8 **MS. WHALEN:** Tell me -- yes. I'm having trouble
9 reading part of that. And then number 10.

10 Essentially, I would suggest this doesn't bear upon
11 the proof that the Government is attempting to prove in this
12 case any more than what we've already seen.

13 Any reference to "snitch" has been testified to in the
14 case. It has come out in the MMP various paperwork that we
15 have seen from a Baltimore County jail cell, from my client's
16 locale, and I think one other location where there is
17 discussion about MMP and about snitches and that kind of thing.

18 I would suggest under Rule 403, this should be
19 precluded also because -- I'm arguing on relevancy grounds, but
20 also on grounds that even if Your Honor found that some portion
21 of it was relevant, that, in fact, it is extremely prejudicial
22 and does not advance the ball any longer -- or any more than
23 what the Government has already proved.

24 **MS. HOFFMAN:** And if I could respond, I think we agree
25 that the majority of it is prejudicial and not relevant and

1 should be redacted.

2 There are a couple of pieces that I wanted to
3 highlight that I think are very relevant and probative to
4 Count 1, to the racketeering conspiracy, which, of course,
5 charges that two of the racketeering activities that the
6 enterprise engaged in were witness tampering and witness
7 retaliation. And that's a very important part of this case.
8 It's a big part of the case, and evidence that goes to that I
9 don't think is cumulative.

10 There has been evidence from certain gang paperwork
11 that it was a violation of the gang rules to snitch.

12 However, that paperwork, I believe, was not in
13 Dante Bailey's handwriting. This is in Dante Bailey's actual
14 handwriting, a letter signed by him.

15 So I'll just put up on the screen the parts that I
16 wanted to highlight. And this is on -- I'm sorry. This is on
17 Page 3, and I think this is what Ms. Whalen was referencing.

18 **THE COURT:** On Page 3. Okay. Yes, GP-16-C, it's one,
19 two -- all right. I see a little number 3 up in the left-hand
20 corner.

21 **MS. HOFFMAN:** And so the highlighted -- if you can see
22 on the screen in front of you, the highlighted text here is
23 what we think is very relevant and probative.

24 It says [reading]: With all that being said, why do
25 you allow yourself to be associated with an alleged snitch?

1 You may have never seen any paperwork, but the circumstances
2 are sitting right in front of you. You question this dude's
3 integrity yourself. You know that a federal inmate cannot do
4 time here. To be here for seven years and already be sentenced
5 federally is a major red flag to anyone.

6 And then continuing down below it says [reading]: I
7 don't care what a mafucka did for me. It could be my brother.
8 If he told, he better stay away from me, especially if he was a
9 street "N" word doing street shit.

10 I think this goes to the heart of the Government's
11 case, which is that this gang engaged in witness tampering and
12 witness retaliation. And, like I said, it's different from
13 evidence that has been presented previously because it's in
14 Dante Bailey's own handwriting.

15 And the letter is signed by -- it's not his actual
16 name; but it's signed on the last page by G, which we think is
17 shorthand for Gutta. And so that's really the only part that
18 we would want to put in from that letter, and we would agree to
19 redact everything else.

20 **MS. WHALEN:** Your Honor, if I could respond, I think
21 by its very nature, this is not an admission of my client to
22 any witness tampering or retaliation. It is simply his
23 statements about perhaps his feelings, if true, about snitches
24 or his brother, which means, necessarily, that it is a
25 statement of his feelings or his -- the word escapes me -- that

1 the Government is attempting to use -- character, that the
2 Government is attempting to use to show that he acted in
3 conformity with that character.

4 And so I think as opposed to an admission that would
5 be admissible to show the witness tampering, this is clearly my
6 feelings, my character; and so I think on that basis, they are
7 attempting to use character evidence against my client that I
8 think is improper under the rule.

9 **THE COURT:** Okay. Well, I don't really see it as
10 either character or an admission. Frankly, it's intent. It's
11 motive. And I agree that that is a critical part of the case
12 and indeed a critical part of this whole transaction because
13 there's what is allegedly a letter from, as I recall, from
14 Mr. Bailey directing that certain actions be taken against
15 Champagne.

16 So I do think that's part of the context. It's not
17 unfairly prejudicial.

18 I agree. I mean, it makes sense to redact the rest of
19 it. But that portion and the signature, such as it is, of the
20 G and the star could come in. Just redact the rest of it.

21 **MS. WHALEN:** The next one, I believe, is GP-16-D, and
22 I did try to highlight at least just a mark indicating that
23 paragraph was what I was asking the Government to redact.

24 **THE COURT:** On Page 1?

25 **MS. WHALEN:** Yes, Page 1.

1 **THE COURT:** Yes; where there's a discussion of his
2 conversation with his lawyers?

3 **MS. WHALEN:** Yes.

4 **THE COURT:** Among other things.

5 Ms. Hoffman?

6 **MS. HOFFMAN:** Well, I think given Your Honor's ruling
7 just now, the first piece of it is less important, the "I have
8 a reputation of getting people killed, with no picks, so the
9 lawyers and prosecutors are on high alert," I have a feeling I
10 know where Your Honor is going with this already. So I won't
11 waste breath on that.

12 **THE COURT:** You do.

13 **MS. HOFFMAN:** The second part, "Along with some rat
14 'N' words in this jail who overheard me on a cell phone," I
15 would like to highlight just that phrase, just the "rat
16 'N' words."

17 And then the other piece that I wanted to highlight
18 was down here where he says [reading]: I just invested my life
19 and legacy in these dudes. And to be crossed by the ones that
20 stood behind me witnessing me build this shit with my own
21 hands, covered in the blood of disloyal "N" words pushes me to
22 not want to be here anymore.

23 And those were the -- I think the only -- oh, I'm
24 sorry.

25 On Page 2 this, I think, can't be argued as not

1 relevant. "My name is Dante Dominique Bailey," that we would
2 like to include.

3 **THE COURT:** Okay. But I don't see -- I'm going to
4 sustain the objection to the first paragraph. It relates to a
5 variety of things and, as I said, including conversations with
6 his lawyers.

7 The out-of-context, little piece of it about "rat Ns,"
8 I think given that I'm letting you get in the other part of the
9 other letter, there's plenty of evidence that is sufficiently
10 clear, depending on how the jury looks at it, that we don't
11 need that. Or the one about the "blood of disloyal 'N' words,"
12 again, I just think that's unnecessary and should be excluded
13 under 403. I don't really see what there is in this letter
14 that you need.

15 **MS. HOFFMAN:** Yeah. If we could just -- and to be
16 clear, the papers were all found in the same area, in
17 Tara Whyte's area. And so if we could include -- I do think,
18 you know, this -- just this line, "My name is
19 Dante Dominique Bailey," in that handwriting will help
20 establish that this is Dante Bailey's handwriting, that this is
21 him who's talking. So we would like to put in just that one
22 line, and we can redact everything else.

23 **THE COURT:** Okay.

24 **MS. WHALEN:** Yes, that's fine, Your Honor.

25 **THE COURT:** That's fine.

1 **MS. WHALEN:** The next exhibit is the last page, I
2 believe. It's Page 9 of 16-G. And this is apparently
3 Tara Whyte's handwriting, and I would ask that that be
4 redacted.

5 **THE COURT:** Yes.

6 **MS. HOFFMAN:** And I think given Your Honor's prior
7 ruling, that makes sense.

8 **THE COURT:** Okay.

9 **MS. HOFFMAN:** But there is -- are you going to also
10 use 16-H?

11 **MS. WHALEN:** Yes. 16-H is the very next one, and I
12 would ask that that not be admitted at all.

13 **MS. HOFFMAN:** And so 16-H I'm putting up here on the
14 screen. And this is a letter, as Ms. Whalen said, from
15 Tara Whyte to Gutta. And we do think that this first paragraph
16 is certainly relevant to the intent behind the letter about
17 Champagne, as well as to -- well --

18 **THE COURT:** Now, where was this letter found?

19 **MS. HOFFMAN:** They all -- so all this paperwork was
20 found in the same area. There's basically a dormitory for the
21 female inmates at Northern Neck Regional Jail, and I think they
22 searched the entire dormitory. But they were focusing on the
23 area used by Tara Whyte, and so all the paperwork and photos
24 were found in her area.

25 I can't tell you exactly what order or -- but it was

1 all found together.

2 **THE COURT:** It wasn't found in Mr. Bailey's cell?

3 **MS. HOFFMAN:** No.

4 **THE COURT:** It was found in --

5 **MS. HOFFMAN:** This was apparently -- well, presumably
6 a letter that she had started writing to him that never got
7 delivered. And, I mean, Your Honor will see there's some
8 evidence that they had kind of an elaborate system for passing
9 letters to one another, hiding them in vents and sockets. And
10 so I think this one just never got delivered.

11 But it's clearly written after she's already sent out
12 the hit letter for him.

13 She says [reading]: Gutta, I'm doing okay. I'm just
14 consumed with thoughts of all these different scenarios.
15 Listen, you said you would never lie to me, and usually I ask
16 no questions; however, you're mafia. So I need to know the
17 rules and what I'm getting involved in. I'm asking for you to
18 explain this to me -- I think that's because I do have -- and I
19 think that's questions and thoughts. The one thing you asked
20 me to do was send a message to Hollywood. I did with no
21 questions, but I'm not stupid. The one thing I asked you to do
22 was to not put me in imminent danger. I put my name on that
23 envelope. I don't want to get involved with something that
24 could land me back in here. I'm not going to take an oath to
25 someone who is not going to think about my well-being. I don't

1 want nothing coming back on me.

2 So I think the -- she's clearly concerned about the
3 letter landing her back in jail. She's concerned -- I think
4 this evidences her knowledge of what this letter actually is.
5 And then the reference to taking an oath I think is a reference
6 to -- and the reference to mafia I think is a reference to --
7 it's an allusion to the fact that she's getting recruited into
8 this gang.

9 **MS. WHALEN:** Hearsay.

10 **THE COURT:** Hearsay.

11 **MS. WHALEN:** It's not signed. We don't know whose
12 handwriting it is. I don't even believe she's going to
13 testify. I may be wrong. But the name has not been provided
14 to us to testify tomorrow. And aside from that, totally
15 irrelevant what her thoughts are.

16 **THE COURT:** Right. Sustained. It's hearsay. It's
17 her impressions or thoughts. I don't think that's appropriate
18 to get it in through an unsigned letter that happened to be in
19 her dorm area.

20 Okay. Any other -- you all can make those redactions
21 over the lunch hour.

22 And do you have anybody after Mr. English?

23 **MS. HOFFMAN:** We do. We have Special Agent Jim Keay,
24 who will be testifying about a search warrant at Mr. Anderson's
25 house, and then Special Agent Christian Aanonsen.

1 **THE COURT:** Okay. All right. I'll excuse the
2 gallery.

3 And we'll take the lunch recess until 2 o'clock.
4 (Luncheon recess taken.)

5 **THE COURT:** All right. Are we ready for the jury?

6 **MS. AMATO:** Your Honor, if I can just clarify, I had
7 made an objection earlier regarding the testimony, and I had
8 put it -- it was the testimony relating to drugs seized from
9 Spittle, SP.

10 But I have better clarity now that we're objecting to
11 the evidence that pertained to a seizure from Kameron Wilson's
12 residence. And I think it was 532 Covington, something or
13 other, the address on July 20th of 2015, that there was about
14 608 grams seized, although I think the chemist said 597 grams.

15 And it's the evidence that was seized from that
16 individual's residence which we object to and argue that there
17 is no connection between those -- that residence and that
18 seizure and my client in this case.

19 **THE COURT:** Ms. Hoffman.

20 **MS. HOFFMAN:** And, Your Honor, there was testimony
21 that Kameron Wilson, a/k/a Potter, was used as a stash -- his
22 residence was used as a stash house for Adrian Jamal Spence.
23 And there was surveillance done of that residence with Spence
24 coming and going with Potter, as well as jail calls pertinent
25 to the seizure of the heroin between Spence and Kameron Wilson.

~~ENGLISH - DIRECT~~

THE COURT: Right. Same ruling. You can all have --

MR. HAZLEHURST: Your Honor --

THE COURT: The objections are all overruled.

MR. HAZLEHURST: Thank you, Your Honor, for Mr. Davis.

THE COURT: Yes.

(Jury entered the courtroom at 2:10 p.m.)

THE COURT: All right. Does the Government have another witness?

MS. HOFFMAN: Yes. The Government calls Jonathan English.

THE COURT: All right.

THE CLERK: Please raise your right hand.

CAPTAIN JONATHAN ENGLISH, GOVERNMENT'S WITNESS, SWORN.

THE CLERK: Please be seated.

Please speak directly into the microphone.

State and spell your full name for the record, please.

THE WITNESS: Jonathan B. English, J-O-N-A-T-H-A-N, B., English, E-N-G-L-I-S-H.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. HOFFMAN:

Q. Good afternoon.

A. Good evening.

Q. Can you tell us where you work.

A. The Northern Neck Regional Jail.

~~ENGLISH - DIRECT~~

1 Q. And where is the Northern Neck Regional Jail?

2 A. The Northern Neck Peninsula of Virginia, Warsaw, Virginia.

3 Q. Can you tell us your title there at the Northern Neck
4 Regional Jail.

5 A. Captain English, chief of security.

6 Q. And what are the duties and responsibilities of the chief
7 of security?

8 A. Supervise approximately 50 sworn officers at Northern Neck
9 Regional Jail.

10 Q. And if I refer to it as NNRJ, will you know what I'm
11 talking about?

12 A. Yes; Northern Neck Regional Jail.

13 **THE COURT:** If you could get a little closer to the
14 mic, maybe. Just talk right -- speak up. Thank you.

15 **BY MS. HOFFMAN:**

16 Q. Back in September of 2017, what was your unit and title
17 then?

18 A. I was a sergeant of standards and training.

19 Q. And I want to direct your attention to September 28th of
20 2017. Did there come a time on that day when you assisted with
21 the search of an area at NNRJ?

22 A. Yes.

23 Q. What area did you search?

24 A. Housing unit called I pod.

25 Q. And what did that area encompass? What did I pod

~~ENGLISH - DIRECT~~

encompass?

A. There is a few day room tables, a few bunks that holds approximately 14, 16 female inmates.

Q. So it was a female inmate area?

A. Yes.

Q. And were you searching the living area of a particular inmate?

A. Yes.

Q. And who was that?

A. Tara Whyte.

Q. Was anything recovered from Tara Whyte's living area?

A. Yes.

Q. Can you tell us what was recovered.

A. A folder with pictures of Dante Bailey, letters from Dante Bailey to Tara Whyte, letters from Tara Whyte to Dante Bailey.

Q. And did you look through the documents and photos that were recovered?

A. I did.

Q. And you mentioned Dante Bailey. Was Dante Bailey an inmate at Northern Neck Regional Jail at the time?

A. Yes.

Q. Did you have interactions with Dante Bailey at NNRJ?

A. Yes.

Q. And did you recognize him in the photos?

~~ENGLISH - DIRECT~~

1 A. Yes.

2 Q. Do you see him in the courtroom today?

3 A. Yes, ma'am.

4 Q. And can you point out an article of clothing, for the
5 record, that he's wearing.

6 A. Gray shirt (indicating).

7 Q. Thank you.

8 During Dante Bailey's time at NNRJ, did you learn of a
9 nickname that he went by?

10 A. Yes.

11 Q. And what was that?

12 A. Gutta or Gutta Almighty.

13 Q. Did you ever view samples of Dante Bailey's handwriting?

14 A. Yes.

15 Q. And what were the circumstances in which you would view
16 samples of his handwriting?

17 A. As a supervisor or any officer has received mail, his mail
18 request form is written to me personally from him.

19 Q. And did you become familiar with his handwriting?

20 A. Yes.

21 Q. I'm going to approach and show you for identification only
22 Government's Exhibit GP-16.

23 (Hanging.)

24 And can you take a look through that and let us know if
25 you recognize it.

ENGLISH - DIRECT

1 **A.** Yes. These are all documents of Dante Bailey's
2 handwriting.

3 **Q.** And are they documents or copies of documents that you
4 recovered from Tara Whyte's living area on September 18th of
5 2017?

6 **A.** They are.

7 **Q.** Did I say -- I'm sorry.

8 I meant September 28th of 2017.

9 I'm going to show you -- I'm going to pull up on the
10 screen, and it should appear on the screen in front of you
11 there, Government's Exhibit GP-16-F.

12 Can you tell us what we're looking at here.

13 **A.** Two pictures of Dante Bailey.

14 **Q.** And were these pictures included in the photographs
15 recovered from Tara Whyte's living area?

16 **A.** They were.

17 **Q.** And I'm going to show you Page 2 of this exhibit.

18 And what are we looking at here?

19 **A.** Two more pictures of Dante Bailey that were recovered in
20 the same paperwork.

21 **Q.** I'm going to show you now Government's Exhibit GP-16-E,
22 and this should also come up on the screen in front of you.

23 Do you recognize this document?

24 **A.** I do.

25 **Q.** And what do you recognize it to be?

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1 **A.** It's a picture of a light switch or, I'm sorry, outlet.

2 **Q.** And is this one of the documents recovered from the living
3 area of Tara Whyte at NNRJ?

4 **A.** Yes.

5 **Q.** And do you recognize the handwriting in this document?

6 **A.** Yes.

7 **Q.** And whose handwriting do you recognize it to be?

8 **A.** Dante Bailey.

9 **Q.** And I'm going to see if I can zoom in here.

10 **A.** Yes, please.

11 **Q.** Now, are you able to read what it says here?

12 **A.** I am.

13 **Q.** Can you read it for us.

14 **A.** Yes.

15 [Reading]: PS, we won't use the vent, but the socket.

16 You don't put nothing in there, only me. I say that because
17 you only have to wait two days. That cuts the risk for getting
18 found. On the inside right here in the little slot colored
19 green.

20 **Q.** Now, based on your experience working at NNRJ, do you know
21 which socket is being referred to here?

22 **A.** Yes; because it also refers to the vent. In the gym
23 there's a vent commonly used to place contraband in the light
24 socket.

25 **Q.** I'm going to now switch over to the ELMO here, and I'm

~~ENGLISH - DIRECT~~

1 going to show you Government's Exhibit GP-16-C. And I'm going
2 to flip to Page 3 of this exhibit.

3 **MS. WHALEN:** I'm sorry. Which exhibit?

4 **MS. HOFFMAN:** This is GP-16-C.

5 **MS. WHALEN:** C. Thank you.

6 **BY MS. HOFFMAN:**

7 **Q.** And do you recognize the handwriting here?

8 **A.** Yes.

9 **Q.** And whose handwriting is that?

10 **A.** Dante Bailey.

11 **Q.** And I realize there's some blackouts here.

12 Is this a portion of one of the documents that you
13 recovered on that day?

14 **A.** Yes.

15 **Q.** I'm going to zoom -- oh, can I zoom in? Yes.

16 Are you able to read that on your screen?

17 **A.** Yes.

18 **Q.** Would you mind reading it for us.

19 **A.** [Reading]: All that being said, why do you allow yourself
20 to be associated with an alleged snitch? You may have never
21 seen any paperwork, but the circumstances are sitting right in
22 front of you. You question this dude's integrity yourself.
23 You know that a federal inmate cannot do time here. To be here
24 for seven years and already be sentenced federally is a major
25 red flag to anyone.

~~ENGLISH - DIRECT~~

1 Q. And could you read the text down below the blacked-out
2 text.

3 A. Yes, ma'am.

4 [Reading]: I don't care what a mafucker did for me. It
5 would [sic] be my brother. If he told, he better stay away
6 from me, especially if he was a street "N" word doing street
7 shit.

8 Q. And I'm going to show you just the last page of that same
9 exhibit. And can you read the last -- just the last portion
10 right here (indicating), what does that say?

11 A. Yes. It's a G with a star.

12 Q. Thank you.

13 I am now going to put up Government's Exhibit GP-16-D.
14 And, again, I'm going to flip to Page 2 of this document.

15 And do you recognize the handwriting here?

16 A. Yes, ma'am.

17 Q. Is this a portion of one of the letters recovered in
18 Tara Whyte's living area?

19 A. It is.

20 Q. And can you read what that says for us.

21 A. [Reading]: My name is Dante with an A, not Donte with
22 an O, Dominique Bailey, born 12/7/78.

23 Q. I'm going to show you now Government's Exhibit GP-16-B.
24 I'm going to start by zooming out.

25 Do you recognize this document?

~~ENGLISH - DIRECT~~

1 A. Yes. It was another one of the documents found during the
2 search.

3 Q. And I'm going to zoom in here.

4 And do you recognize the handwriting here?

5 A. Yes.

6 Q. And whose handwriting is it?

7 A. Dante Bailey.

8 Q. Are you able to read the text right here, this line here
9 (indicating)?

10 A. Yes, ma'am.

11 [Reading]: All you gotta do is open the door of your
12 heart, and Gutta will be standing there with open arms.

13 Q. And then I'm going to -- and do you see the letter G with
14 a star over here (indicating)?

15 A. I do.

16 Q. Let me see if I can zoom in a little bit for you.

17 Would you mind reading this name and address and phone
18 number here (indicating).

19 A. [Reading]: Kevin Forrest, Hollywood, (410) 746-9174,
20 2903 West Lanvale Street, Baltimore, Maryland 21216.

21 Q. And can you read the text in the parenthetical just below.

22 A. Yeah. It says [reading]: My number one guy on B'more.

23 Q. And finally, I'm going to show you
24 Government's Exhibit GP-16-A.

25 Do you recognize -- whoops.

~~ENGLISH - DIRECT~~

1 Do you recognize this document?

2 **A.** Yes, ma'am.

3 **Q.** And what do you recognize it to be?

4 **A.** Another document found on the day we searched.

5 **Q.** And do you recognize the handwriting here?

6 **A.** Yes.

7 **Q.** Whose handwriting is it?

8 **A.** Dante Bailey.

9 **Q.** I'm going to zoom in on this bottom portion here.

10 Can you read the text of these last two lines here
11 (indicating).

12 **A.** Yes.

13 [Reading]: Also, I need you to send a letter to Hollywood
14 and give him this address: 2609 Fairview Avenue, Apartment D.
15 Tell Hollywood give this address to Crazy. Tell him to tell
16 Crazy to pop a bottle of champagne for me.

17 **Q.** Aside from recovering the photos and letters that you
18 recovered that day from Tara Whyte's living area, did you have
19 any other role in this investigation?

20 **A.** No.

21 **MS. HOFFMAN:** Thank you very much. I have no further
22 questions for you.

23 **THE WITNESS:** Thank you.

24 **THE COURT:** Any questions, Ms. Whalen?

25 **MS. WHALEN:** Just a couple.

~~ENGLISH - CROSS~~

THE COURT: Sure.

CROSS-EXAMINATION

BY MS. WHALEN:

Q. Captain English -- it is captain, right?

A. Yes, ma'am.

Q. The content -- sort of the general content of the various letters included the two sort of talking as if they were romantically inclined or romantically involved; is that correct?

A. It could be perceived that way, yes.

Q. Okay. And, in fact, we saw, at least in one of them, I think it was 16-B, where, you know, Mr. Bailey says something about, you know, walk through and I'll be there open-armed.

Do you recall that?

A. Yes.

Q. Okay. And the actual documents were found in a common area where 14 to 16 women lived; is that right?

A. No, ma'am.

Q. Okay. Where was it?

A. Tara Whyte's property in her -- she has an assigned bunk and box, and it was recovered in her belongings.

Q. Got it. So it was actually at her bunk itself?

A. Yes.

Q. Got it. All right.

And there was nothing in any -- I assume you went and

~~ENGLISH - CROSS~~

1 looked in the socket itself, the plug/socket to look for any
2 additional documents; right?

3 **A.** Yes.

4 **Q.** And nothing was there; is that correct?

5 **A.** No.

6 **Q.** And the vent as well?

7 **A.** No.

8 **Q.** Nothing was there?

9 **A.** Nothing was there.

10 **MS. WHALEN:** Thank you, Captain.

11 **THE WITNESS:** Thank you.

12 **MS. WHALEN:** That's all I have, Your Honor.

13 **THE COURT:** Anything else?

14 **MS. HOFFMAN:** No redirect.

15 **THE COURT:** Okay. Thank you very much, sir.

16 You are excused.

17 (Witness excused.)

18 **THE COURT:** Would you like to call another witness?

19 **MS. HOFFMAN:** The Government calls Jim Keay.

20 **THE CLERK:** Please raise your right hand.

21 SPECIAL AGENT JAMES KEAY, GOVERNMENT'S WITNESS, SWORN.

22 **THE CLERK:** Please be seated.

23 Please speak directly into the microphone.

24 State and spell your full name for the record, please.

25 **THE WITNESS:** Yes, ma'am. My first name is James;

~~KEY - DIRECT~~

1 last name Keay, K-E-A-Y.

2 **THE CLERK:** J-A-M-E-S?

3 **THE WITNESS:** I'm sorry. J-A-M-E-S. Last name
4 K-E-A-Y.

5 **THE CLERK:** Thank you.

6 DIRECT EXAMINATION

7 **BY MS. HOFFMAN:**

8 **Q.** Good afternoon.

9 **A.** Good afternoon.

10 **Q.** Where do you work?

11 **A.** I am a Special Agent with the Bureau of Alcohol, Tobacco,
12 Firearms & Explosives.

13 **Q.** And how long have you worked for ATF?

14 **A.** A little over three years.

15 **Q.** Were you in law enforcement before that?

16 **A.** Yes, ma'am.

17 **Q.** Where were you before that?

18 **A.** I was an air marshal out of the Boston field office.

19 **Q.** As part of your duties as a Special Agent for the ATF, did
20 you assist with the execution of a search warrant on
21 September 27th of 2016?

22 **A.** Yes, ma'am.

23 **Q.** And who was the subject of the search warrant?

24 **A.** It was Corloyd Anderson.

25 **Q.** Where was the search warrant executed?

~~KEY - DIRECT~~

1 **A.** It was at 38 Windbluff Court in Owings Mills.

2 **Q.** And approximately what time was the search warrant
3 executed?

4 **A.** 06.

5 **Q.** What was your role for this search warrant?

6 **A.** I was the assigned evidence custodian or evidence
7 technician.

8 **Q.** And what does that mean?

9 **A.** What that is, is basically I'm the person that handles
10 when we conduct a search of the premises or a search of
11 anything, we assign different administrative type of roles. So
12 being the new guy out of the academy, I was assigned as the
13 evidence custodian. So when someone finds something, then they
14 leave it there. We send a camera guy. They take a picture of
15 it. Then as the evidence custodian or technician, I go and
16 actually retrieve that document; and that starts the chain of
17 custody from there.

18 **Q.** Were you part of the initial entry team on that day?

19 **A.** Yes, ma'am.

20 **Q.** And who, if anyone, was located in the residence?

21 **A.** Mr. Anderson. I believe his wife was also there, too.

22 **Q.** What was the first thing you did when you got in the
23 house?

24 **A.** We make sure the house is secure, first off. And then
25 once -- once, you know, the house is secure and there's no

~~KEY - DIRECT~~

1 other occupants or the occupants that we have in the house, we,
2 you know, we kind of set them aside and then make sure that
3 it's safe for us to conduct the search.

4 Q. Did you recover items of evidence from the house?

5 A. We did, yes, ma'am.

6 Q. And can you give us a general overview of what was
7 recovered.

8 A. Yes. We recovered a Glock 19, 9-millimeter pistol,
9 semi-automatic pistol, along with the pistol had 15 rounds of
10 9-millimeter ammunition inside of it.

11 Also in the bedroom, it was -- we recovered \$2,500, I
12 believe, in cash. That was in, like, a blue jean-type jacket.

13 And then I think there was -- there was a cell phone, I
14 believe, and some financial paperwork or maybe -- I can't
15 remember exactly what type of paperwork, but I think it had his
16 name on it, Mr. Anderson's name on it.

17 Q. And were photographs taken during the search warrant?

18 A. Yes, ma'am.

19 Q. I'm going to show you Government's Exhibit SW-6-A.

20 What are we looking at here?

21 A. That's the front of the residence, the 38 Windbluff Court.

22 Q. And you testified that you recovered a Glock pistol, and I
23 don't remember if you said this already. Where was that
24 recovered?

25 A. That was under the -- under a mattress in the bedroom.

~~KEY - DIRECT~~

1 Q. And I'm going to show you Government's Exhibit SW-6-B.

2 What are we looking at here?

3 A. That's the mattress lifted up. And there's the box spring
4 that's there, and the firearm's on the box spring.

5 Q. And I'm going to show you Government's Exhibit SW-6-C.

6 What are we looking at here?

7 A. That's a close-up of the Glock.

8 Q. And I believe you -- did you testify that it was loaded?

9 A. Yes, ma'am.

10 Q. I'm going to approach and show you

11 Government's Exhibit F-25.

12 (Handing.)

13 Do you recognize that exhibit?

14 A. Yes.

15 Q. What is it?

16 A. It's a Glock 19, 9-millimeter pistol --

17 Q. Does it have the slide --

18 A. -- with a magazine.

19 Q. So the magazine is attached to it or --

20 A. Well, right. It's attached by the zip tie.

21 Q. And it looks like -- is the slide pulled back on it there?

22 A. Yes, ma'am.

23 Q. Are you able to read the serial number on the gun?

24 A. Yes.

25 Q. What's the serial number?

~~KEY - DIRECT~~

1 **A.** MNN356.

2 **Q.** I'm going to show you Government's Exhibit SW-6-D.

3 What are we looking at here?

4 **A.** You're looking at the cell phones that were also in the
5 bedroom.

6 **Q.** And you mentioned that you recovered some currency. I'm
7 going to show you Government's Exhibit SW-6-E.

8 What are we looking at here?

9 **A.** That's the clothes hanging in the closet.

10 **Q.** And I'm going to show you SW-6-F.

11 What are we looking at here?

12 **A.** That's the pocket to the jean-type jacket, and you can see
13 kind of the cash in the corner.

14 **Q.** And Government's Exhibit SW-6-G.

15 And what are we looking at here?

16 **A.** That's the cash taken out of the pocket.

17 **Q.** Was there a vehicle that was parked outside the residence?

18 **A.** Yes, ma'am.

19 **Q.** And was that vehicle searched?

20 **A.** It was.

21 **Q.** And did you recover -- was anything -- or was anything
22 recovered from the vehicle?

23 **A.** Yes. We recovered two money bands, two \$5,000 money
24 bands. They didn't have any cash in 'em, but -- and also a --
25 I think it was a Wells Fargo bank receipt.

~~KEY~~ - ~~CROSS~~

MS. HOFFMAN: Thank you very much.

I have no further questions.

THE COURT: All right. Thank you.

Ms. Amato.

CROSS-EXAMINATION

BY MS. AMATO:

Q. Good afternoon, Special Agent.

A. Good afternoon.

Q. I represent Mr. Corloyd Anderson.

Now, so you were, as you described, the evidence
custodian?

A. Yes, ma'am.

Q. And let me ask you this, then: Who was -- was there one
person in particular who was in charge of the search?

A. Well, usually what happens is the case agent takes care of
that. You know, they assign different roles. It's their case.
I don't remember exactly who was in charge of it.

Q. Okay. So you don't remember -- do you remember who the
case agent was?

A. I believe it was Special Agent Anderson [sic].

Q. And he was there that day; correct?

A. Correct.

Q. All right. And he was there watching over the evidence
recovery?

A. Well, no, it doesn't work, really, like that. I mean, he

~~KEY - CROSS~~

1 was there, but he might have taken, you know -- I think,
2 actually, he took Mr. Anderson and -- along with another agent
3 off -- off the premises.

4 Q. Okay. So he arrived there, and then at some point he left
5 with Mr. Anderson?

6 A. I believe -- yes, ma'am, yeah.

7 Q. Okay. And after he left, was there anybody else in charge
8 or everybody just had their particular tasks, and that's how it
9 went?

10 A. No. Usually there's an on-scene commander that once we're
11 done search, once the search has been completed, then we make
12 an itemization of whatever we found. And then we leave that,
13 return with -- and I think -- I think it was his wife that we
14 left the return with.

15 Q. All right. And who was the on-scene commander?

16 A. I'd have to look at -- if I could look at the report, I
17 could tell you exactly. I don't -- I don't remember.

18 Q. I don't have the report with me. Okay.

19 Does Moore, Special Agent Moore ring a bell?

20 A. Tim Moore?

21 Q. Yeah.

22 A. It could have been. But without looking at the report, I
23 don't -- I can't honestly tell you.

24 Q. Now, before you began the search, I mean, you knew more or
25 less what you were searching for; correct?

~~KEY - CROSS~~

1 A. Yes.

2 Q. All right.

3 A. We're searching for everything that was listed on -- on
4 the search warrant.

5 Q. Right. And particularly, you were looking for something
6 that would show that Mr. Anderson was involved in this idea of
7 or this notion of this gang called MMP; correct?

8 A. I mean, I'm not the case agent on it, so I don't know -- I
9 have my own set of cases, and I had my own at the time. So
10 what happens is usually, you know, they request personnel to
11 assist with the execution of a search warrant or an arrest
12 warrant. We get a little background on the case as far as what
13 the case is about.

14 But factually, I -- all -- here's the search warrant.
15 This is what we're looking for. And everybody's -- you know,
16 you search.

17 Q. And so are you familiar with MMP, with that -- those
18 initials, MMP?

19 A. Not -- not really. I mean, there's hundreds of cases that
20 are going on. If I'm not the case agent, I'm not -- you know,
21 I'm not really that -- I mean, I care about it; don't get me
22 wrong. But, like, it's not my case, so, you know . . .

23 Q. Who was deciding what should be seized?

24 A. Whatever was listed on the search warrant that day.

25 Q. Right. But who? Who was deciding? Who was deciding?

~~KEY - CROSS~~

1 A. That would be the -- that would be the instruction from
2 the case agent.

3 Q. Okay. And -- but you said the case agent at some point
4 left?

5 A. Right.

6 Q. All right. And so -- but even though he left, you had
7 your instructions of what to look for?

8 A. Right. I mean, if we find a firearm in the house and if
9 it's not registered to anyone or if it's -- if it's someone
10 else, you know, you can't just -- I mean, if you fire -- if no
11 one -- I mean, it's a firearm in a house. Like, I don't -- I
12 don't understand what you mean. Like, we wouldn't leave it
13 there.

14 Q. I'm not asking -- that's not really what I was getting at.

15 A. Okay.

16 Q. But -- all right. So how many people were searching the
17 residence? How many --

18 A. Again, I'd have to look at the report. It was from 2016.
19 Probably -- I don't know, I would say maybe 12 to 15 different
20 people that were there.

21 Q. All right. And were you -- as the evidence custodian,
22 were you also searching or were you just one of the ones that
23 once something was found, then they brought you over and they
24 said, Please take this?

25 A. Correct. What usually happens is I set up -- if I have

~~KEY - CROSS~~

1 the evidence -- 'cause you have the evidence box that has all
2 the bags and it has all the tags and things. So it's easier
3 for us -- the way we do it is if there's one person that's
4 assigned for the evidence and you have people searching, their
5 job is to search. That's what they do.

6 The house is secure. But they search: Hey, we found
7 something. We found a gun over here.

8 A photographer comes, takes a picture of it.

9 As the evidence guy, I come over and I physically pick it
10 up and take custody of it.

11 Q. So we're clear now, you were not the one who was actually
12 going around searching for the items?

13 A. Correct.

14 Q. All right. So once items were found, then -- and there
15 was a decision that it had relevance that it should be
16 recovered, then you were brought over. And then you took
17 custody of the item?

18 A. Yes, ma'am.

19 Q. All right. And so just so we're clear, at no point in
20 time did you take custody of anything, of any type of writings
21 in which there was anything about MMP included?

22 A. Again, I'd have to look at the report. I don't -- I don't
23 think so. I'd have to look at my notes on -- on what I took,
24 'cause I would have taken -- I would have itemized exactly what
25 it was that I took on the return from the search warrant.

~~KEY~~ - ~~CROSS~~

1 Q. Okay. So if it's not in the return, then it wasn't there?

2 THE COURT: Does somebody have a copy of the report?

3 MS. HOFFMAN: (Hanging.)

4 MS. AMATO: Thank you.

5 THE COURT: Do you want to let the witness look at it.

6 MS. AMATO: Yes. I just want to look at it, please,
7 Your Honor.

8 THE COURT: Sure.

9 MS. AMATO: Thank you.

10 Your Honor, may I approach?

11 THE COURT: Yes.

12 BY MS. AMATO:

13 Q. I'm showing you what I will mark just for identification
14 as Defense Exhibit No. 5. If you can take a look at that.

15 A. Okay.

16 Q. Do you recognize the document?

17 A. Yes, ma'am.

18 Q. And is this the document that you had asked to look --

19 THE COURT: You have to really keep your voice up or
20 get the mic.

21 THE WITNESS: I'm sorry.

22 THE COURT: No. It's --

23 MS. AMATO: She's talking to me.

24 THE WITNESS: Oh.

25 BY MS. AMATO:

~~KEY~~ - ~~CROSS~~

1 Q. Is this the document that you were referring to that could
2 refresh your recollection?

3 A. Yes, ma'am.

4 Q. All right. Take as much time as you need to look at it.

5 A. (Reviews document.)

6 Okay. All set.

7 Q. Okay. Does that refresh your recollection as to what was
8 recovered from the residence?

9 A. Yes, ma'am.

10 Q. All right. And nowhere is there any indication that
11 anything, any writings with MMP were recovered?

12 A. Correct.

13 Q. And nowhere is there anything that indicates that any gold
14 teeth or gold implants were recovered?

15 A. No, no gold.

16 Q. Nothing with gold implants with letters M on them were
17 recovered?

18 A. No, ma'am.

19 Q. Okay. Now, you said that besides Mr. Anderson in the
20 residence, that his wife was there as well?

21 A. Yes, ma'am.

22 Q. Okay. And I'm going to show you what's been marked as
23 Defense Exhibit Number . . .

24 (Counsel conferred.)

25 MS. AMATO: Your Honor, may we approach?

~~KEY - CROSS~~

1 **THE COURT:** Sure.

2 (Bench conference on the record:

3 **MS. AMATO:** Your Honor, I'm sorry. I wanted to show
4 the witness a photograph that was taken inside the residence
5 and just have him identify if that's the inside of the
6 residence at the time of the search.

7 **MS. HOFFMAN:** Your Honor, my objection is on relevance
8 grounds. It's a photograph of what would appear to be minor
9 children. And I'm not sure what the purpose of it is, if it's
10 to invoke sympathy or what, but I don't think it's relevant.

11 **MS. AMATO:** Well, I mean --

12 **THE COURT:** What's the purpose of it?

13 **MS. AMATO:** It's to show the residence and who was in
14 the residence, that there was another -- there was another
15 female in the residence besides his wife.

16 **THE COURT:** Okay. And the relevance?

17 **MS. AMATO:** In terms of what was found in the
18 residence, that there was more than Mr. Anderson that was in
19 the residence.

20 **THE COURT:** Just ask him whether he recalls that there
21 was another adult woman and two children in the residence.

22 **MS. AMATO:** Okay. And then if he denies that --

23 **THE COURT:** You can use this to refresh his
24 recollection, but he doesn't need to get into evidence. It's
25 got little kids in it.

~~KEY~~ - ~~CROSS~~

MS. AMATO: Okay.

(Bench conference concluded.)

THE COURT: Do you want to just rephrase that,

Ms. Amato.

BY MS. AMATO:

Q. Agent, you recall that besides Mr. Anderson, his wife was also in the residence?

A. Yes, ma'am.

Q. And there was actually a second adult female in the residence as well as three children; correct?

A. I don't re -- I don't remem -- I don't recall that, no.

MS. AMATO: May I approach the witness, then, based on what was discussed?

THE COURT: Yes.

BY MS. AMATO:

Q. I'm going to show you what's being marked as Defense Exhibit No. --

THE CLERK: 6.

BY MS. AMATO:

Q. -- 6.

If you can take a look at that photograph (handing).

A. Yes.

THE COURT: For identification.

MS. AMATO: Just for purposes of identification.

THE WITNESS: Yeah.

~~KEY~~ - ~~CROSS~~

1 **BY MS. AMATO:**

2 **Q.** Does that refresh your recollection as to who else was in
3 the residence?

4 **A.** It looks like it, yes, ma'am.

5 **MS. AMATO:** Okay. All right.

6 **BY MS. AMATO:**

7 **Q.** So now having looked at Defense Exhibit No. 6 for
8 identification purposes only, do you recall now that there was,
9 in fact, a second adult female as well as three children in the
10 residence?

11 **A.** Yes.

12 **Q.** All right. Did you speak with Mr. Anderson at all?

13 **A.** I don't believe I did, no.

14 **Q.** All right. And -- but you do recall when you first
15 entered the residence that he was in the interior of the
16 residence?

17 **A.** I believe so. But, you know, it's tough to remember
18 exactly, you know, where he specifically was in relation to the
19 entry into the door, you know.

20 **Q.** So you can't recall where he was specifically in the
21 residence when you entered?

22 **A.** No. I know that the whole operation went down without a
23 problem. It was very -- you know, it wasn't -- there was
24 nothing that would stand out other than it was like a
25 cooperative type of thing.

~~KEY - CROSS~~

1 We didn't -- you know, we didn't have to breach the door
2 or anything like that. It was so --

3 Q. Is it, in fact, Ms. -- Mrs. Anderson had actually opened
4 the door for you all?

5 A. Correct.

6 Q. And so you entered with the open door that she had opened?

7 A. Correct.

8 Q. All right. Now, you were shown a photograph of a gun that
9 was found on the mattress bed spring today --

10 A. Yes.

11 Q. -- the photograph.

12 Okay. And that's what you said that you -- that you --
13 you didn't take the photograph, but you then seized that item;
14 correct?

15 A. Correct.

16 Q. And it had been recovered by someone else; correct? And
17 were you --

18 A. Well, recovered by me. Found by someone else.

19 Q. Found by some -- my error.

20 Were you in the room when it was actually found initially?

21 A. I don't believe I was, no.

22 Q. So someone else found it, and then you were summoned to
23 recover it?

24 A. Yes, ma'am.

25 Q. The gun was not tested for fingerprints, was it?

~~KEY - CROSS~~

1 A. Again, I logged it, I took possession of it there at the
2 scene. And then when we brought it back to -- to division, I
3 handed it off. And then our evidence people, they put it into
4 the system. And then it was -- it was taken by the -- you
5 know, the division evidence custodian.

6 Q. Okay.

7 A. So my exposure to it was -- I don't know what happened to
8 it after, you know, after we brought it back to division.

9 Q. So, in other words, that would have been for someone
10 else -- if it was to be fingerprinted, someone else would have
11 been the one to do that?

12 A. Yes, ma'am, yes.

13 Q. And then the same for DNA; you didn't put in a request for
14 DNA?

15 A. No, ma'am, no.

16 Q. And you didn't interview, let's say, Mrs. Anderson
17 regarding the weapon, did you?

18 A. No.

19 Q. And you didn't interview the other female as well
20 regarding the weapon?

21 A. No.

22 Q. Are you aware that Ms. Latoya was renting the residence?

23 A. No.

24 Q. Well, you did say that there were some documents that were
25 seized -- that you seized from the residence.

~~KEY~~ - ~~CROSS~~

1 **A.** Correct.

2 **Q.** All right. And one of those documents, do you recall,
3 actually pertained to Ms. Anderson as a tenant of the
4 residence; do you remember that?

5 **A.** I don't remember the specifics of that, that document, no.
6 (Counsel conferred.)

7 **MS. AMATO:** Your Honor, may I approach?

8 **THE COURT:** Sure.

9 **BY MS. AMATO:**

10 **Q.** I'd like to show you what I'm marking now as Defense
11 Exhibit No. --

12 **THE CLERK:** 7.

13 **BY MS. AMATO:**

14 **Q.** -- 7.

15 And if you can take a look at that document.

16 (Handing.)

17 Does this look familiar?

18 **A.** Not -- not really. I mean, I see that it has the address
19 on there. But, you know, we put various pieces of financial
20 paperwork. So it could very well possibly, but I can't
21 remember -- I can't specifically tell you that whether or
22 not -- I don't remember that specific piece of paper, no.

23 **Q.** Okay. But you would agree that it has Latoya's name on it
24 and it's that address?

25 **A.** Yes, ma'am.

~~KEY - CROSS~~

1 Q. It says that she has a tenant binder; correct?

2 A. Yes.

3 Q. Are you aware as well that the furniture was being rented?

4 A. No.

5 Q. Okay. And did you go into every room in the residence?

6 A. I -- when we originally secured the residence, tactically,
7 yes, I mean, even though someone lets us in, we still have to
8 make sure that it's secure. So we do a search in that sense
9 for any danger in the house.

10 So did I go into every single room? I could have gone
11 into a couple different rooms. It depends on who covered one
12 room or whatever. So -- but once I assumed that role of the
13 evidence custodian or evidence technician, then I kind of
14 stayed put unless someone found something and then I would go
15 to them.

16 Q. Well, based on what you saw, there was nothing that looked
17 sort of extravagant in terms of expense in the residence;
18 correct?

19 A. I'm not sure what you mean "extravagant."

20 Q. I mean paintings, expensive furniture, things of that
21 nature.

22 A. Not that I can remember, no, ma'am.

23 Q. And there was no jewelry that was recovered?

24 A. I don't believe so, no --

25 Q. Well, please take a look at your --

~~KEY~~ - ~~CROSS~~

1 **A.** It would have been on --

2 **Q.** Right.

3 **A.** It would have been on my report, and it's not.

4 **Q.** And the cash that was found, are you aware as to
5 Mr. Anderson having won money at the lottery just two days
6 prior?

7 **A.** No, ma'am.

8 **Q.** Okay. All right. Now, regarding the financial
9 documents . . .

10 (Counsel conferred.)

11 **BY MS. AMATO:**

12 **Q.** I'm going to mark as Defense Exhibit No. 8 --

13 **THE CLERK:** 8.

14 **BY MS. AMATO:**

15 **Q.** -- and I'm going to introduce it into evidence.

16 Special Agent, I'd like to show you what's been marked and
17 introduced into evidence as Defense Exhibit No. 8.

18 And so these were items, financial items, documents that
19 were recovered from the residence?

20 **A.** It looks like it, yes, ma'am.

21 **Q.** Okay. And, in fact, this is the bed, the master bedroom
22 bed, or at least one of the beds in the residence; correct?

23 And these items were put on that bed before the photograph was
24 taken?

25 **A.** It looks like it, yes.

~~KEY - CROSS~~

1 Q. And this was taken to show the items that were recovered?

2 A. Yes.

3 Q. And then these items, actually, each one of these items,
4 then, were recovered?

5 A. Well, they wouldn't have been individually recovered.
6 They would have probably all been clumped together into one
7 packet, like.

8 Q. Right. Right. Okay.

9 But the purpose, in other words, is to show exactly where
10 more or less that, yes, these items were found from this
11 residence?

12 A. Yes, ma'am.

13 Q. Okay. And as we see in this document, in this photograph,
14 there are these documents from MECU; correct?

15 A. Yes.

16 Q. All right. And . . .

17 (Counsel conferred.)

18 **BY MS. AMATO:**

19 Q. And I'm marking and moving into evidence
20 Defense Exhibit No. 9, and this is two pages of copies of these
21 MECU receipts that were recovered; correct?

22 A. Yes, ma'am.

23 Q. All right. And another document, I'm marking this
24 Defense Exhibit No. 9.

25 I'm showing you what's being marked as Defense Exhibit

~~KEY - CROSS~~

1 No. 9.

2 **THE CLERK:** No. You already have 9.

3 **THE COURT:** 10.

4 **MS. AMATO:** Oh, I'm sorry. 10?

5 **THE CLERK:** It's 10.

6 **BY MS. AMATO:**

7 **Q.** I'm sorry. 10. Okay.

8 Another document that was recovered from the residence of
9 We Buy Autos.

10 And there are also some lottery receipts or actually tax
11 notifications of lottery wins in the residence.

12 Showing you what I'm marking as Defense Exhibit No. 10 --

13 **THE COURT:** 11.

14 **BY MS. AMATO:**

15 **Q.** 11, excuse me, three pages.

16 -- from Hollywood Casino, Perryville; from the Bellagio in
17 Vegas; and from Maryland Live! Casino.

18 **THE COURT:** Is there a question?

19 **BY MS. AMATO:**

20 **Q.** And so all of those were items that were recovered and
21 then kept together, correct, all these financial documents that
22 were recovered?

23 **A.** They could have been. I -- I'd have to see the evidence
24 packet to see all of 'em specifically. I don't remember, like,
25 the specific -- what each piece had --

~~KEY~~ - ~~CROSS~~

1 Q. All right.

2 A. -- you know.

3 Q. Well, how many -- do you remember at all how many
4 documents?

5 A. I honestly don't. Without looking at the -- they would
6 have -- you know, they would have been together and listed as
7 evidence. Sometimes when you get so many different pieces,
8 it's -- you can't have, like, a hundred different pieces,
9 individual pieces of paper.

10 If they're all either the same name or they have all the
11 same kind of information, we lump 'em all together. And that's
12 why it was labeled as various pieces of financial paperwork.
13 So I -- I don't know what specific.

14 Q. When was the last time that you looked at all of those,
15 that material?

16 A. At the?

17 Q. The financial paperwork.

18 A. 2016.

19 Q. Okay. So that was some three years -- almost three years
20 ago, basically?

21 A. Yes, ma'am.

22 Q. So you were not asked to look at that before coming in
23 here to testify?

24 A. No, I was not.

25 MS. AMATO: Court's indulgence.

1 I have no further questions of this witness.

2 Thank you.

3 **THE COURT:** All right. Thank you.

4 Anyone else? Any redirect?

5 **MS. HOFFMAN:** I don't think so.

6 But could I actually retrieve from the witness the
7 report?

8 **THE COURT:** Sure.

9 **MS. HOFFMAN:** No redirect.

10 Thank you.

11 **THE COURT:** Thank you very much, sir.

12 **THE WITNESS:** Yes, ma'am.

13 **THE COURT:** You are excused.

14 (Witness excused.)

15 **MS. HOFFMAN:** The Government calls Special Agent
16 Christian Aanonsen.

17 **THE COURT:** Okay.

18 **MS. WHALEN:** Would the Court indulge me one moment to
19 speak with counsel?

20 **THE COURT:** Sure.

21 (Counsel conferred.)

22 **MS. HOFFMAN:** Your Honor, may we approach briefly?

23 **THE COURT:** You may.

24 (Bench conference on the record:

25 **MS. HOFFMAN:** So Ms. Whalen has noted some objections

1 to social media and iCloud evidence. I didn't think we were
2 going to get there today, but I now think we probably are.

3 I think we'll probably finish Agent Aanonsen's
4 testimony. And so there are a number of objections, and
5 they're hard for me to keep straight in my head. And I'm
6 worried that if we dive into it, I won't remember which ones
7 she's objecting to. So we may want to take a minute to address
8 it.

9 **THE COURT:** I mean, do you have some other part of his
10 testimony that does not get into this? I'm just thinking go a
11 little bit longer and then at the mid-afternoon break we can --

12 **MS. HOFFMAN:** I think at the break. Okay. I think
13 that works.

14 **MS. WHALEN:** So would it help if I wrote out a list
15 for Your Honor?

16 **THE COURT:** Sure.

17 **MS. WHALEN:** And I'll pass it up -- should I just give
18 it to you now?

19 **THE COURT:** I mean, if you've got them right here for
20 me to look at.

21 **MS. WHALEN:** Okay. So it's very difficult -- all
22 right. IC-2 has been shown multiple times.

23 **THE COURT:** Well, it's not going to help to stand here
24 and do it.

25 All right. We just won't get into that, the first

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1 part.

2 **MS. HOFFMAN:** Okay.)

3 (Bench conference concluded.)

4 SPECIAL AGENT CHRISTIAN AANONSEN, GOVERNMENT'S WITNESS,
5 PREVIOUSLY SWORN.

6 **THE CLERK:** Agent Aanonsen, you're still under oath.

7 **THE WITNESS:** Yes, ma'am.

8 DIRECT EXAMINATION

9 **BY MS. HOFFMAN:**

10 **Q.** Good afternoon, Agent Aanonsen.

11 **A.** Good afternoon.

12 **Q.** I believe you testified previously that you're one of the
13 case agents on the investigation into Murdaland Mafia Piru; is
14 that right?

15 **A.** That's right.

16 **Q.** Now, we've heard about a lot of subjects of the
17 investigation over the course of the trial.

18 I'm going to approach and show you, first, just for
19 identification, Government's Exhibit DEM-5.

20 **MS. WHALEN:** You can do identification.

21 **MS. HOFFMAN:** Okay.

22 **BY MS. HOFFMAN:**

23 **Q.** (Handing.)

24 Do you recognize that exhibit?

25 **A.** I do.

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1 Q. And what is it?

2 A. It's a chart with a bunch of photographs of members and
3 associates of the organization with their name and nicknames.

4 MS. HOFFMAN: And is there --

5 MS. WHALEN: There is -- I apologize. I think it will
6 be a very quick objection.

7 THE COURT: Sure. Do you want to come up to the bench
8 with the document.

9 (Bench conference on the record:

10 MS. WHALEN: I'm sorry. I didn't realize that was
11 coming, or I would have done this.

12 THE COURT: Sure.

13 MS. WHALEN: So the objection is that I don't think
14 the jury, first of all, needs a chart like this. They have all
15 of the individual photographs, and this is not hard. They can
16 flip through the exhibits, so they -- so there's not a need for
17 the chart.

18 The second is the reason I'm objecting more is the
19 placement of all of these individuals on a chart like that I
20 think suggests something more -- gives sort of a visceral that
21 they are dangerous or all of these individual African-Americans
22 placed like that gives sort of a -- I guess -- I can't think of
23 the words, but it lends somehow some credibility to them being
24 violent and together when I don't think they don't need that
25 kind of a chart for it.

1 So I think it's more prejudicial by placing that face
2 after face after face in the manner in which they've done it.

3 **THE COURT:** What is the point of --

4 **MS. HOFFMAN:** Your Honor, this is a memory aid for the
5 jury. I don't plan to dwell on it, but this is simply a
6 collection of photographs, names, and nicknames. There is
7 literally no other text on this exhibit.

8 It's photographs that have already come into evidence.
9 And I think that when the jury goes back to deliberate, it will
10 be helpful for them to have a list, to have a collection of
11 photographs with the names and nicknames. It's been a
12 complicated case.

13 We're in Week 5 of trial. They've heard a lot of
14 names. And I do believe that this is -- this will be helpful
15 as a memory aid for the jury and that there's nothing
16 prejudicial about it because there's literally nothing except
17 for photos that have already come into evidence.

18 **MR. SARDELLI:** Your Honor, I would join the objection.
19 My client is only charged with the two conspiracy counts for
20 RICO and drugs. And I'm worried about lumping them all
21 together gives an overt or covert message that somehow they're
22 lumped together, that it creates an agreement type of thing.

23 **THE COURT:** Sure. The jury will have the individual
24 pictures later?

25 **MS. HOFFMAN:** But the photos won't have the name --

1 no, they're not -- the photographs are not labeled. They're
2 simply mugshots.

3 And so this -- what this adds is that it's the photos
4 with the names and the nicknames. This is -- I mean, we used
5 something very similar in the BGF case in front of Judge Bedar
6 in U.S. v. Gerald Johnson simply as a memory aid. It was let
7 in in that case over the defense objection.

8 I do think it's helpful and actually kind of crucial
9 for the jury to keep all these names straight as they're
10 deliberating. And I don't intend to elicit any additional
11 testimony from Agent Aanonsen about it, other than to say: Is
12 this an accurate collection of photographs, names, and
13 nicknames of people who came up?

14 **THE COURT:** Why don't we just elicit that it's an
15 accurate collection of names, nicknames, and we can discuss
16 further whether it goes to the jury in this format or perhaps
17 some other format.

18 I mean, I tend to agree with the Government. It needs
19 to be -- it's helpful to have something that keeps the alleged
20 members of the organization, you know, and their names and
21 nicknames straight, but it may or may not have to be in this
22 particular format.

23 But for right now, he can just identify it and say
24 it's accurate and --

25 **MS. HOFFMAN:** And can I put it on the screen for the

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1 jury?

2 **THE COURT:** No. No. Not right now.)

3 (Bench conference concluded.)

4 **BY MS. HOFFMAN:**

5 **Q.** Agent Aanonsen, have you reviewed Government's
6 Exhibit DEM-5 before coming into court today?

7 **A.** Yes.

8 **Q.** And is it an accurate depiction of photographs along with
9 the names and nicknames of individuals who came up during your
10 investigation?

11 **A.** It is.

12 **Q.** I believe you testified previously that the investigation
13 involved wiretaps on cell phones belonging to Dwight Jenkins,
14 Jacob Bowling, and Jamal Lockley in the summer of 2016; is that
15 right?

16 **A.** That's correct.

17 **Q.** And I want to start by asking you about
18 Government's Exhibit Wire 1, which you previously identified as
19 a disc of wire calls intercepted over a cell phone belonging to
20 Dwight Jenkins in the summer of 2016.

21 Did you intercept any calls between Jenkins and
22 Jamal Lockley that were indicative of drug trafficking?

23 **A.** Yes.

24 **Q.** And I'm going to start by playing -- this will be
25 Call TT-1-51, and it's on Page 1 of the wire call tab of the

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transcript binders.

Agent Aanonsen, can you start by reading the date and the time of the call for us.

A. Sure. July 2nd, 2016.

Q. And who were the participants in this call?

A. Dwight Jenkins and Jamal Lockley.

(Audio was played but not reported.)

BY MS. HOFFMAN:

Q. Did you recognize the voices of the participants in that call?

A. Yes. Dwight Jenkins and Jamal Lockley.

Q. And did you hear when Mr. Jenkins said [reading]: I got dots?

A. I did.

Q. Did you hear when Mr. Lockley said [reading]: I got some peoples for you?

A. I did.

MS. HOFFMAN: Your Honor, may we approach briefly? I apologize.

THE COURT: Yes.

(Bench conference on the record:

MS. HOFFMAN: I wanted to put up a couple of social media photos. I don't --

THE COURT: I'm sorry. I can't hear you.

MS. HOFFMAN: I wanted to put up a couple of social

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1 media photos showing T-Roy with Dwight Jenkins. I don't think
2 these are ones that you objected to, but I can't recall.

3 **MS. WHALEN:** Are they throwing signs?

4 **MS. HOFFMAN:** So this one is T-Roy, Charlie, and
5 Dwight Jenkins. And I think there's some text that says "my
6 5200 bros." I don't think they're throwing signs. And then
7 this one's T-Roy, Nutty B, and Huggie, and they're not throwing
8 signs.

9 **MS. WHALEN:** Okay. I think -- then you're right. I
10 didn't object to those individual ones.

11 **MS. HOFFMAN:** Coming up, though, I am going to put up
12 a photo that I don't think has come up yet. IC-98 is
13 Melvin Lashley, and he is making an M sign, from the
14 iCloud account. And it will relevant to something that I'm
15 going to get into with Malcolm Lashley -- or with
16 Melvin Lashley. I'm sorry.

17 **MS. WHALEN:** If you haven't shown that, then I think
18 that's probably fine. I don't think that's on the list, but
19 I'll double-check.

20 **MS. HOFFMAN:** Okay. And IC-15 would be Melvin, T-Roy,
21 Nick, and Gutta, but I think that's already come in.)

22 (Counsel conferred.)

23 (Bench conference concluded.)

24 **BY MS. HOFFMAN:**

25 **Q.** Agent Aanonsen, I'm going to show you Page 18 to 19 of

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Government's Exhibit SM-18.

And can you tell us what we're looking at here.

A. Page 154 of an Instagram business record, photograph is Jamal Lockley (indicating), Charlie Blackwell (indicating), Dwight Jenkins (indicating).

Q. And I'm going to show you Page 52 of Government's Exhibit SM-6.

And I believe you testified previously that this was an Instagram account you identified as used by Dante Bailey; is that right?

A. That's right.

Q. And Page 52 here, can you tell us who's depicted in this photograph.

A. Yes. Jamal Lockley (indicating), Dwight Jenkins (indicating).

Q. I'm going to play you another call. This one's TT-1-212, and it's on Page 4 of the transcript tab, of the binders.

And can you tell us the date and time of this call.

A. July 4th, 2016, at 4:23 p.m.

(Audio was played but not reported.)

BY MS. HOFFMAN:

Q. I'm going to pause it there, and I'm going to scroll up here to Page 2 of the transcript.

Did you hear -- first of all, did you recognize the voices of the participants in this call?

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1 **A.** Yes; Dwight Jenkins and Jamal Lockley.

2 **Q.** And did you hear when Mr. Lockley said [reading]: Melvin
3 right here, Spook right here?

4 **A.** I did.

5 **Q.** And was there a subject of your investigation with the
6 name Melvin?

7 **A.** Yes. Melvin Lashley, a/k/a Menace.

8 **Q.** And I'm going to show you Government's Exhibit IC-98 which
9 you previously identified as a file from an iCloud account
10 belonging to Dante Bailey.

11 And who is that?

12 **A.** Melvin Lashley, a/k/a Menace.

13 **Q.** And what is he doing with his hands?

14 **A.** He's making an M.

15 **Q.** And was there a subject of your investigation who went by
16 Spook?

17 **A.** Yes.

18 **Q.** And who was that?

19 **A.** Malcolm Lashley.

20 **Q.** And I'm showing you Government's Exhibit IND-57.

21 And who is that?

22 **A.** Malcolm Lashley.

23 **Q.** Now, I just played you a couple of calls from that line.

24 Were there other calls intercepted over Dwight Jenkins'
25 phone?

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1 **A.** Yes.

2 **Q.** How many, roughly, or --

3 **A.** Numerous.

4 **Q.** I'm going to ask you now about

5 Government's Exhibit Wire 2, which you previously identified as
6 a disc of wire calls intercepted over a cell phone belonging to
7 Jacob Bowling in summer of 2016.

8 Did you intercept any calls over Jacob Bowling's line that
9 were indicative of drug trafficking?

10 **A.** Yes; numerous.

11 **Q.** And I'm going to play you one of those, TT-2-558, and this
12 is on Page 38 of the transcript binders.

13 Can you read the date and time of this call for us.

14 **A.** July 2nd, 2016, at 21:23 hours.

15 (Audio was played but not reported.)

16 **BY MS. HOFFMAN:**

17 **Q.** Did you recognize the voices of any of the participants in
18 that call?

19 **A.** Just Jacob Bowling.

20 **Q.** And did you hear when Mr. Bowling said [reading]: I got
21 eight balls?

22 **A.** I did.

23 **Q.** And I believe you testified on a previous occasion that
24 you have some experience investigating drug-trafficking
25 offenses; is that right?

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1 A. That's right.

2 Q. About how many years of experience?

3 A. About five.

4 Q. And in your experience investigating drug-trafficking
5 offenses, have you learned what the term "eight ball" means in
6 the context of drug trafficking?

7 A. Yes. It refers to eighth of an ounce, typically cocaine.

8 Q. Did you intercept any calls between Jacob Bowling and
9 Jamal Lockley that were indicative of drug trafficking?

10 A. Yes.

11 Q. And I'm going to play Call TT-2-3003, and this will be on
12 Page 76 of the transcript binders.

13 Can you tell us the date and time of this call.

14 A. July 17th, 2016, 22:44 hours.

15 (Audio was played but not reported.)

16 BY MS. HOFFMAN:

17 Q. Agent Aanonsen, did you recognize the voices of any of the
18 participants in that call?

19 A. Yes.

20 Q. Who did you recognize them to be?

21 A. Jamal Lockley and Jacob Bowling.

22 Q. And did you hear when Mr. Lockley said [reading]: Don't
23 serve Kevin or his wife no more?

24 A. I did.

25 Q. I'm going to play you another call. This one's TT-2-3401,

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1 and this is on Page 84 of the transcript binders.

2 And can you tell us the date and time of this call.

3 **A.** July 20th, 2016, 12:01.

4 (Audio was played but not reported.)

5 **BY MS. HOFFMAN:**

6 **Q.** Agent Aanonsen, did you recognize the voices of the
7 participants in that call?

8 **A.** Yes.

9 **Q.** Who are they?

10 **A.** Jacob Bowling and Jamal Lockley.

11 **Q.** Did you hear when Mr. Bowling said [reading]: See if he
12 got this play up here?

13 **A.** Yes.

14 **Q.** I'm going to play you another call, and this one's
15 TT-2-682. It's on Page 47 of the transcript binder, wire call
16 tab.

17 Can you tell us the date and time of this call.

18 **A.** July 3rd, 2016, 14:17 hours, 2:17 p.m.

19 **Q.** And have you listened to this call before coming in here
20 today?

21 **A.** I did.

22 **Q.** And were you able to determine the participants in this
23 call?

24 **A.** Yes.

25 **Q.** And who were they?

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1 **A.** Jacob Bowling, Malcolm Lashley, Dominic Dillard, and
2 William Jones.

3 **Q.** I'm going to play some portions from this call.

4 First, I'm going to play a portion from 33 seconds to
5 1 minute and 56 seconds.

6 (Audio was played but not reported.)

7 **BY MS. HOFFMAN:**

8 **Q.** I'm going to pause it.

9 Do you recognize the voices of the people who are talking
10 in this portion of the call?

11 **A.** Jacob Bowling, William Jones.

12 **Q.** And I should have asked you: Were you able to determine
13 from the beginning portion of the call what type of call this
14 is?

15 **A.** This is a jail call. We were able to trace it back to the
16 jail call system and actually find where the call originated
17 through Dominic Dillard's state identification number after we
18 intercepted it.

19 **Q.** And was --

20 **THE COURT:** Which page are we on?

21 **MS. HOFFMAN:** This is Page 2 of this transcript, and
22 so it should be Page 48 in the transcript binders.

23 **THE COURT:** Okay. I'm not seeing a Mr. Jones.

24 Well, maybe this is a good time for the afternoon
25 break.

1 **MS. HOFFMAN:** Sure.

2 **THE COURT:** All right. We'll start by excusing the
3 jury.

4 (Jury left the courtroom at 3:22 p.m.)

5 **THE COURT:** All right. The witness can step back
6 down.

7 And actually, why don't we then turn to Ms. Whalen,
8 your issues on the --

9 **MS. WHALEN:** I do have a list, if I can pass that up.

10 **THE COURT:** Okay.

11 **MS. WHALEN:** (Handing.)

12 Your Honor, I tried to -- when I contacted the
13 Government, I tried to put them in some sort of categories.

14 So the SM-1, Page 15; SM-6, Page 92 to 93; SM-6,
15 Page 39 to 40; SM-18, Page 28, I believe all of those have been
16 shown before in evidence, and so we'd object on that ground.

17 **THE COURT:** All right. Maybe we can go through this
18 in categories. Obviously I don't remember what those are.

19 **MS. WHALEN:** Honestly, I have to go look at the binder
20 as we go because --

21 **MS. HOFFMAN:** I can pull them -- if you want to say
22 the number, I can pull it up on the screen and maybe we can.

23 **MS. WHALEN:** That would be very helpful. Thanks.

24 **MS. HOFFMAN:** What's the first one?

25 **MS. WHALEN:** SM-1, Page 15.

1 **MS. HOFFMAN:** And I don't recall, honestly, whether
2 this was shown before. If it was, then I certainly don't have
3 to show it again.

4 **MS. WHALEN:** I thought it had been shown before,
5 but --

6 **THE COURT:** I can't read it, so I'm not likely to
7 recall. I don't know if it's something --

8 **MS. HOFFMAN:** I think we can just skip this one.

9 **THE COURT:** Skip that one. Okay.

10 **MS. WHALEN:** So the next one was SM-6, Page 92 to 93.
11 Oh, this -- I apologize. This was not an objection
12 for it being shown before. I'm asking for a proffer of
13 relevance.

14 **MS. HOFFMAN:** So, Your Honor, this is a photograph, I
15 believe, of -- this is Davon Temple, also known as Nizzy, in
16 the hospital. And this is Dante Bailey visiting him in the
17 hospital.

18 The comment -- the text above is [reading]: My honor
19 is my blood.

20 And on the next page, there is another comment by
21 bgm_omnipotence, which that's Dante Bailey [reading]: You
22 might have knocked some blood out, but you can't knock out
23 the -- it looks like the emoji is not showing up there --
24 #bone gang.

25 And then there's a reference to Nizzy down below, too.

1 And Nizzy obviously has come up over the course of the
2 case as someone who was involved in the murder of
3 James Edwards.

4 He's also listed as a potential witness for
5 Mr. Bailey, and so I do believe it's relevant. This shows --
6 indicates -- it's evidence of Davon Temple's membership in MMP
7 with Dante Bailey and that they are co-conspirators in a Bloods
8 organization. And the reference to the Bloods in particular, I
9 think, is important, that "my honor is my blood" here.

10 **THE COURT:** And what date is this picture?

11 **MS. HOFFMAN:** It's May 26th of 2015.

12 **THE COURT:** Okay. Do we know of any specific thing
13 that happened to Mr. Temple on May, whatever it is, 2016 --

14 **MS. HOFFMAN:** I don't have --

15 **THE COURT:** -- '15? Sorry.

16 **MS. HOFFMAN:** I believe he had been shot, and that's
17 not -- I wasn't intending to ask any questions about why he was
18 in the hospital. That's not what I see to be the relevance.

19 The relevance is that it's -- it shows an association
20 between the two and that they are referencing the Bloods gang
21 here, and I think it's evidence that they are co-conspirators
22 in the Bloods gang.

23 **THE COURT:** Ms. Whalen.

24 **MS. WHALEN:** I believe we've had ample evidence of
25 Nizzy being part of MMP and having the association with my

1 client, so --

2 **THE COURT:** I agree. I don't think we need this one,
3 particularly with the hospital picture there. I just think
4 that's -- the jury is going to think that's associated with
5 some specific act of violence in this case. And if it isn't, I
6 don't think we ought to be putting it in front of the jury.

7 **MS. WHALEN:** So SM-6, Page 39 to 40.

8 Again, it's sort of a proffer of relevance.

9 **THE COURT:** Yes, relevance?

10 **MS. HOFFMAN:** Yeah. So this is a screenshot from a
11 rap video that has been played, and it's Dante Bailey with --
12 on his right side is William Banks behind him, and on his left
13 side is Dontray Johnson.

14 And then the comment is -- from Dante Bailey is
15 [reading]: When my right hand was my man and the left one
16 brought death.

17 So I think he's referring to his right hand is his man
18 Trouble and his left one is Gambino, who brought death.

19 **MS. WHALEN:** Your Honor, I think already the picture
20 has been shown, so I'd object to that.

21 And the comment, I think, is not specific as to
22 anything. So -- and the date is not consistent with the date
23 in which -- I believe it's not consistent in the date in which
24 Gambino allegedly was involved in a shooting. So I would just
25 ask Your Honor to strike that.

1 **THE COURT:** What is the date of the murder that you're
2 attributing to the left hand?

3 **MS. HOFFMAN:** Well, so it's not -- I don't think it
4 needs to be tied to any specific murder. He's referring to
5 Gambino, to Dontray Johnson, a/k/a Gambino, as someone who
6 brought death. And there has been evidence that
7 Dontray Johnson committed two murders on behalf of this gang.
8 And I certainly think it's relevant that Dante Bailey is saying
9 this is someone who brought death.

10 **THE COURT:** Okay. Again, if it's not tied to anything
11 specific, I'm going to sustain the objection.

12 **MS. WHALEN:** SM-18, Page 28, I have that in my notes
13 as having been played before or shown before. Excuse me.

14 **MS. HOFFMAN:** I'm sorry, SM- --

15 **MS. WHALEN:** -- 18, Page 28.

16 **MS. HOFFMAN:** So the photo may have appeared at some
17 point in some form during this case.

18 The relevance here is that there's going to be a
19 discussion of Charlie Blackwell. This is Charlie Blackwell's
20 social media account, which I don't think has been shown
21 before.

22 And he says [reading]: A Savage, Almighty,
23 #5200Flood.

24 There's been evidence in this case of drugs recovered
25 from Charles Blackwell at the BP gas station in the 5200 block

1 of Windsor Mill Road, and this is evidence that helps connect
2 him to the gang and to Dante Bailey.

3 **THE COURT:** Okay. That's fine. That comes in.

4 **MS. WHALEN:** On that same note of, I believe, "been
5 shown before," iCloud 2 is that tally sheet, I believe. And I
6 think that's been shown a couple of different times.

7 **MS. HOFFMAN:** I think that has come in before. I
8 think that's right.

9 **THE COURT:** All right. So we'll skip that one.

10 **MS. WHALEN:** In iCloud 123, which I believe is one of
11 those Flipagrams, as I recall from reviewing it, almost every
12 single one of the Flips, if you will, were from previous
13 exhibits; in other words, they were the Piru street address
14 with the sign, cars, the money.

15 They were all from, like, Facebook and Instagram that
16 I think has already been shown to the jury. So I would object
17 to the repetitive -- showing the same things in different
18 social media ways.

19 **MS. HOFFMAN:** I don't think that all of those photos
20 have come into evidence before. I think that also the format,
21 it's a compilation set to music. It is highly relevant,
22 probative evidence regarding the gang.

23 And I believe -- and, Ms. Whalen, correct me if I'm
24 wrong, but is this the one that has the "Stop Snitching" --
25 with the photo of the gun and "Stop Snitching"?

1 **MS. WHALEN:** No. That's another one. Yes.

2 **MS. HOFFMAN:** I could play IC-123.

3 **THE COURT:** Well, I'm hearing that it's possibly
4 cumulative, but I'm not hearing anything specific.

5 Other than that, you think it's got some pictures in
6 it that are -- have not been used before, Ms. Hoffman?

7 **MS. HOFFMAN:** I do think it has pictures that have not
8 been used before. There may be some that have been used
9 before.

10 **THE COURT:** That's fine. You can use that one.

11 **MS. WHALEN:** The skeleton with the gun, that's
12 iCloud 127, and we object to that.

13 There was -- the Government attempted to bring that in
14 in another format. I don't know if it was Instagram or
15 Facebook. And Your Honor sustained an objection.

16 It's literally -- and it's contained within this
17 Flipagram, I guess. It literally looks like an x-ray of a
18 skeleton, and then there is a gun placed in the mouth of the
19 skeleton.

20 **THE COURT:** And you just said that was IC-127, though.
21 That's different.

22 **MS. WHALEN:** Yes. Yes.

23 **MS. HOFFMAN:** This is different.

24 **THE COURT:** But you're moving on to 127.

25 **MS. WHALEN:** Oh, I'm sorry. Yes, I've moved on.

1 **THE COURT:** Okay. Ms. Hoffman.

2 **MS. HOFFMAN:** I don't think that's accurate, and I
3 apologize if I got this wrong. But my recollection of what
4 happened was that Ms. Whalen notified us that she had an
5 objection to that particular shot in which there's a skeleton,
6 a gun pointed at the skeleton's mouth, and it says, "Stop
7 snitching."

8 And we said we're not -- I think it was Ms. Perry that
9 said, I'm not intending to use that right now and so we didn't
10 address it. I don't think Your Honor ruled on it. And I do
11 think that it's relevant evidence, of course, of --

12 **THE COURT:** Where is it from?

13 **MS. HOFFMAN:** It's from -- it's part of this
14 slideshow -- it's part of Dante Bailey's iCloud account, and
15 it's one of the slideshows and one of the images in the
16 slideshow.

17 **THE COURT:** Okay. But now I'm going to get confused
18 again. You told me that IC-123 is a slideshow.

19 **MS. HOFFMAN:** That's correct.

20 **THE COURT:** And I understood that the only objection
21 there was essentially that it was cumulative. You said there
22 were some other association sort of pictures that hadn't been
23 shown before.

24 Is 127 part of IC-123? No?

25 **MS. HOFFMAN:** It's a different slideshow.

1 **THE COURT:** All right. So IC-127 is not just the
2 picture of the skeleton with a gun; it's a whole other
3 slideshow?

4 **MS. HOFFMAN:** It is.

5 **THE COURT:** But what you're objecting to in this
6 slideshow is this one picture?

7 **MS. WHALEN:** Well, I'm objecting to the relevance of
8 continued slideshows, the cumulative nature of it, and
9 specifically that one picture of what appears to be -- it
10 appears to be some sort of radiograph-looking or x-ray-looking
11 item.

12 **THE COURT:** Okay. Maybe I can see it.

13 **MS. HOFFMAN:** Sure.

14 **THE COURT:** And what about -- is the rest of the
15 slideshow something you need also? The jury is just going to
16 get tired of looking at the same thing over and over again.

17 **MS. HOFFMAN:** I understand the concern, Your Honor.
18 They are both short. IC-127 is slightly longer. And it is
19 more important to the case, I think, than IC-123 if we have to
20 pick between them.

21 But I do think that that -- I mean, there has been a
22 consistent theme of the defense case that, you know, MMP was --
23 it was just a music group or it was all just urban fiction.

24 And the photos, especially with language like "Stop
25 snitching" and what appears to be a threat I think are

1 relevant.

2 **THE COURT:** Yes, if you want to show me that piece of
3 the 127.

4 **MS. HOFFMAN:** This is a photo of the defendant with
5 Hollywood that has not come in yet.

6 **THE COURT:** Okay.

7 **MS. HOFFMAN:** This says -- the text here is [reading]:
8 There's only enough money for me and my F'in' squad.

9 **THE COURT:** Okay.

10 **MS. HOFFMAN:** I had planned to skip that slide.

11 **THE COURT:** All right.

12 **MS. HOFFMAN:** Sorry. I didn't know exactly where it
13 was, but this is the slide that Ms. Whalen was referencing.

14 **THE COURT:** Yes, okay.

15 **MS. HOFFMAN:** Do you want me to continue playing?

16 **THE COURT:** I think -- why don't we -- I do see some
17 things that I think are new and that are relevant, including
18 the "Stop the snitchin'," but -- so how about we do IC-127 and
19 skip IC-123.

20 **MS. HOFFMAN:** I think I can do that.

21 **THE COURT:** What else, Ms. Whalen?

22 **MS. WHALEN:** All right. Sorry, Your Honor, for taking
23 so long, but there's a whole group of what I just say are
24 additional group throwing signs. I don't know if there's
25 something specific about them that is different than all the

1 other photographs that we have.

2 IC-84.

3 **MS. HOFFMAN:** Oh, this is a new photo. And it's one
4 of the defendants, Jamal Lockley, with another defendant,
5 Shakeen Davis, as well as other members of the gang.

6 I do think -- the fact that they're together and the
7 jury is going to hear, if they haven't already heard, wire
8 calls between a number that we -- we have put in evidence that
9 this number may belong to Shakeen Davis. Malcolm Lashley said
10 he recognized the voice to be Shakeen Davis, wire calls between
11 him and Jamal Lockley. So I think the association is
12 important.

13 **THE COURT:** All right. Come in.

14 **MS. WHALEN:** IC-86.

15 **MS. HOFFMAN:** I wasn't planning to do that one.

16 **THE COURT:** Okay. Cross that out.

17 **MS. WHALEN:** SM-3, Page 30.

18 **MS. HOFFMAN:** I actually wasn't planning to do that
19 one.

20 **MS. WHALEN:** Page 56 and 57 of the same SM-3.

21 **MS. HOFFMAN:** I do think this is a new photo. It's
22 Dontray Johnson, Gambino; with Ayinde Deleon, Murda. Eastside
23 is in this photo. Mookie is in this photo. Some people are
24 making M signs. The two MMP bosses standing together I think
25 is relevant and new.

1 **THE COURT:** And it's got some people together that
2 weren't previously seen in the photograph before?

3 **MS. HOFFMAN:** I think that's right. Dontray Johnson
4 and Ayinde Deleon.

5 **THE COURT:** All right.

6 **MS. WHALEN:** SM-7, Page 46 to 47.

7 **MS. HOFFMAN:** Again, this is a new photo. It's a
8 defendant in the case, Shakeen Davis, standing with
9 William Jones and Ed Pollard, both of whom have been identified
10 as members of MMP.

11 **THE COURT:** And not previously in photographs
12 together?

13 **MS. HOFFMAN:** Not previously in -- I mean, there are
14 other photographs of Shakeen Davis. Certainly this grouping
15 has not been in a photo together.

16 **THE COURT:** All right.

17 **MS. WHALEN:** SM-18, Page 5.

18 **THE COURT:** What are we on, SM-18, Page 5? I can't
19 read it.

20 **MS. HOFFMAN:** I'm sorry. This is -- I was just trying
21 to remember where this comes from. This is Charles Blackwell's
22 account again. It's a photo of him with Melvin Lashley, and
23 then the text I wanted to highlight was [reading]: I'ma keep
24 it on me straight up.

25 Again, I just -- because the jury heard evidence of

1 the seizure of drugs and a gun from Charles Blackwell from the
2 BP gas station, this is a way to connect it up to the gang.

3 **THE COURT:** Okay. Mr. Blackwell, that's fine.

4 **MS. WHALEN:** And I have 6 as well, but -- for SM-18,
5 but that may be you've just shown it; is that correct?

6 (Counsel conferred.)

7 **MS. HOFFMAN:** And, again, this is the defendant,
8 Shakeen Davis, with other members of MMP: Cameron Allen, Mugs;
9 Jamal Smith, Mal; and Charles Blackwell, Charlie.

10 **THE COURT:** But haven't we covered that by now?
11 What's new about this?

12 **MS. HOFFMAN:** I don't think the jury has seen this
13 grouping. I suppose -- I mean, I suppose I could cut this one.

14 **THE COURT:** Okay. What's 10?

15 **MS. WHALEN:** 10. We're still on SM-18.

16 **MS. HOFFMAN:** This one -- I don't think I need to do
17 one at this point. I was going to do it as relevant to
18 Sydni Frazier, but now that he's no longer here . . .

19 **THE COURT:** All right. Cross out 10.

20 **MS. WHALEN:** 18 to 19.

21 **MS. HOFFMAN:** Of SM-18?

22 **MS. WHALEN:** SM-18.

23 **MS. HOFFMAN:** I'm not doing those.

24 **MS. WHALEN:** Okay. 39 -- and this is still SM- --

25 **THE COURT:** Actually, you've got -- higher up on your

1 list, you had SM-18, Page 28.

2 MS. WHALEN: Oh, I think we talked about that already.

3 MS. HOFFMAN: We talked about that one.

4 THE COURT: Oh, we did?

5 MS. HOFFMAN: Yes.

6 THE COURT: Okay.

7 MS. HOFFMAN: We're going to Page 39?

8 MS. WHALEN: Yes.

9 MS. HOFFMAN: This one's -- it hasn't been shown yet.
10 It's in front of the BP or that area. And it's Sydni Frazier,
11 Melvin Lashley, Ed Pollard, Charles Blackwell, Jamal Smith. I
12 do think that this grouping and the location is relevant.

13 THE COURT: All right. You can show 39.

14 MS. WHALEN: And I don't think I've done this one,
15 SM-6, Page 52, and I believe that's my last one.

16 THE COURT: I've got Page 92 also on the list.

17 MS. WHALEN: Oh.

18 THE COURT: Page 52 and Page 92.

19 MS. WHALEN: I thought we talked about 92, but let me
20 just --

21 MS. HOFFMAN: I'm not doing Page 52 of SM-6, I don't
22 think.

23 THE COURT: Oh, yeah, I see you have -- okay. That
24 was listed twice, so all right.

25 MS. HOFFMAN: Yeah. I think I already did this one,

1 so that's --

2 **MS. WHALEN:** Oh, that's already in. That's fine.

3 **THE COURT:** Okay.

4 **MS. WHALEN:** Thank you, Your Honor.

5 **THE COURT:** All right. I will excuse the gallery.

6 While we're waiting for the gallery, the -- just to be
7 clear, what I should tell the jury when they leave at the end
8 of the day would be that there will be evidence for them
9 tomorrow, but possibly only a half of a day?

10 **MS. HOFFMAN:** I think that's right from our
11 perspective, although Ms. Amato had mentioned that she may call
12 a witness and may be ready with that witness tomorrow. I don't
13 know if you prefer to do it tomorrow.

14 **MS. AMATO:** I believe so. In the afternoon, the
15 witness would be available.

16 **THE COURT:** Okay. When you say "afternoon," are we
17 filling up the morning?

18 **MS. HOFFMAN:** I think we will fill up the morning.

19 **THE COURT:** Okay. All right. That's fine. I'll just
20 tell the jury that we expect that the Government will finish
21 its case tomorrow. I will say something like: There may or
22 may not tomorrow be some evidence from the defense, but then
23 that they will not be here on Thursday and Friday; we will be
24 continuing on Monday, but that I will be able to tell them that
25 I expect they will get the case sometime next week.

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Is that fair?

MS. WHALEN: Yes.

THE COURT: Okay.

MS. HOFFMAN: Thank you.

THE COURT: All right. Thank you. I'll see you shortly.

(Recess taken.)

THE COURT: Ready for the jury?

MS. HOFFMAN: Yes.

(Jury entered the courtroom at 4:02 p.m.)

THE COURT: If you'd like to continue, Ms. Hoffman.

BY MS. HOFFMAN:

Q. Agent Aanonsen, we left off with me asking you about Call TT-2-682, and I had a version of the transcript on the screen that didn't match the one that was in the binders. And I have a corrected version of that transcript to hand around.

THE COURT: Okay. This is a substitute for something that's in the book?

MS. HOFFMAN: It is. It's a substitute that I forgot that I was supposed to --

THE COURT: So should we be asking the jurors to take some pages out of their book or --

MS. HOFFMAN: They can, although I think they're double-sided, so that might be tricky. May be best just to disregard the one that's in the binder.

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1 **THE COURT:** Just disregard. Okay. And you're going
2 to hand out a new set for everybody.

3 **MS. HOFFMAN:** That's right. Thank you.

4 **BY MS. HOFFMAN:**

5 **Q.** So I am going to pull that call back up. It's TT-2-682,
6 and everyone should have that corrected transcript.

7 And I believe I was playing you the portion of the call
8 from 33 seconds to 1 minute and 56 seconds, and you identified
9 the speakers as William Jones and Jacob Bowling; is that right?

10 **A.** Correct.

11 (Audio was played but not reported.)

12 **BY MS. HOFFMAN:**

13 **Q.** I'm going to pause it there.

14 Did you see that the -- did you hear that there was a
15 third person who spoke in the background of that call?

16 **A.** Yes.

17 **Q.** And did you recognize that person's voice?

18 **A.** Malcolm Lashley.

19 **Q.** And I'm going to scroll up to the second page of the
20 transcript.

21 And did you hear when Mr. Bowling said [reading]: I'm
22 sending the strippers?

23 **A.** Yes.

24 **Q.** And based on your experience investigating
25 drug-trafficking offenses, have you learned what the term

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1 "strippers" refers to in the context of drug trafficking?

2 **A.** Yes. It's slang for Suboxone strips.

3 **Q.** And did you hear when Mr. Jones said [reading]: Tell
4 Spook, yo, I'ma ball his fat ass up when I come home, yo, for
5 real?

6 **A.** I heard that.

7 **Q.** I'm going to play another very short portion of this call.
8 This will be from 4 minutes and 5 seconds to 4 minutes and
9 25 seconds.

10 And this will be on -- it's Page 4 of this particular
11 transcript.

12 (Audio was played but not reported.)

13 **BY MS. HOFFMAN:**

14 **Q.** Did you recognize the voices of the speakers in that
15 portion of the call?

16 **A.** Yes.

17 **Q.** Who was it?

18 **A.** William Jones and Jacob Bowling.

19 **Q.** And did you hear when Mr. Jones said [reading]: Yo, tell
20 Spook kick that money out, yo, real shit, get that cash out?

21 **A.** Yes.

22 **Q.** I'm going to play another very short clip from 6 minutes
23 and 10 seconds to 6 minutes and 15 seconds. And this is on
24 Page 6 of the transcript.

25 (Audio was played but not reported.)

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1 **BY MS. HOFFMAN:**

2 **Q.** Did you hear Mr. Bowling say [reading]: Love you, bro,
3 heartbeat?

4 **A.** Yes.

5 **Q.** And then I'm going to play another 5-second clip from
6 8 minutes and 12 seconds to 8 minutes and 17 seconds. And this
7 is on Page 7, I apologize, of this transcript.

8 (Audio was played but not reported.)

9 **BY MS. HOFFMAN:**

10 **Q.** And did you recognize the voices of the people speaking in
11 this clip?

12 **A.** Dominic Dillard, Jacob Bowling.

13 **Q.** And I believe you testified previously that this was
14 actually a jail call placed from Dominic Dillard's jail
15 account; is that right?

16 **A.** I think I got it mixed up with that other call. This
17 one's actually played from William Jones' account. There's
18 another call that's played from Dominic Dillard's account where
19 they switched the phone between each other again.

20 **Q.** And were William Jones and Dominic Dillard incarcerated in
21 the same facility at this time?

22 **A.** Yes.

23 **Q.** Did you hear in this portion of the call when
24 Dominic Dillard said, "Heartbeat," and Mr. Bowling said, "Two
25 times"?

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1 A. Yes.

2 Q. And over the course of your investigation, was it common
3 or uncommon for you to hear the terms "heartbeat" and "double
4 time" or "two times"?

5 A. It was common.

6 Q. And I'm going to show you Government's Exhibit SM-7.

7 Can you tell us what we're looking at here.

8 A. Instagram business record registered to b_will [sic], a
9 bunch of numbers, @yahoo.com and a vanity name of
10 5200smallzgmb.

11 Q. And were you able to determine who this account was used
12 by?

13 A. Yes.

14 Q. Who was it?

15 A. Based on the photographs and the postings contained in the
16 record, we believed it was being utilized by William Jones.

17 Q. Now, I'm going to show you Page 13 of this exhibit.

18 And who are we looking at here?

19 A. This is William Jones, a/k/a Bill.

20 Q. And can you read the text above the photo.

21 A. [Reading]: #OMERTA#E.

22 Q. And Page 17 of this exhibit, can you tell us who we're
23 looking at in this photo.

24 A. That's Jamal Lockley (indicating), William Jones.

25 Q. And then I'm going to show you Page 40 of this exhibit.

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1 And who are we looking at here?

2 **A.** Dominick Wedlock -- I'm sorry. Let me clear it.

3 Dominick Wedlock (indicating), William Jones (indicating).

4 **Q.** And then Page 46 of this -- oh, I'm sorry. I'm going to
5 go to the next page, which is also the next page of the
6 business record.

7 Can you read just the text right here (indicating).

8 **A.** [Reading]: My heartbeat double time mm gang 5200GMB.

9 **Q.** Showing you Page 46 of this exhibit.

10 Can you tell us who we're looking at here.

11 **A.** It's William Jones (indicating).

12 Ed Pollard (indicating).

13 Kenyon Patterson (indicating).

14 Shakeen Davis (indicating).

15 **Q.** And do you see the text on the next page of the -- the
16 comment on the next page of the business record, can you read
17 that text.

18 **A.** My "N" word melly we #ridin' mobbin' n finessin'.

19 #52hundunggmbgmteamcash.

20 **Q.** And finally just one more, Page 55 of this document, do
21 you see that there's texts by user 5200smallzgmb?

22 **A.** Yes.

23 **Q.** And can you read that text?

24 **A.** [Reading]: Mob shit we on go anything for da bigman.

25 **Q.** Now, I've just played a few calls from Line 2, which you

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1 identified as the Jacob Bowling cell phone.

2 Were there other calls intercepted over that line that
3 were indicative of drug trafficking?

4 **A.** Yes; hundreds.

5 **Q.** I'm going to now ask you about Government's Exhibit
6 Wire 3, which you previously identified as a disc of wire calls
7 intercepted over a cell phone belonging to Jamal Lockley in the
8 summer of 2016.

9 Did you intercept calls over Jamal Lockley's phone that
10 were indicative of drug trafficking?

11 **A.** Yes.

12 **Q.** And I'm going to start with -- this will be
13 Call TT-3-3064, which is on Page 106 of the wire call tab of
14 the transcript binders.

15 And can you tell us the date and time of this call.

16 **A.** July 25th, 2016, 1:28 p.m.

17 (Audio was played but not reported.)

18 **BY MS. HOFFMAN:**

19 **Q.** Did you recognize the voices of any of the participants in
20 this call?

21 **A.** Yes. Jamal Lockley.

22 **Q.** And did you hear when the other person in this call said
23 [reading]: Thanks for the sample?

24 **A.** I did.

25 **Q.** I'm going to play you now Call TT-3-3225, which is on

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Page 108 of the transcript binder.

Can you tell us the date and time of this call.

A. July 26th, 2016, 1:24 p.m.

(Audio was played but not reported.)

BY MS. HOFFMAN:

Q. Did you recognize the voices of any of the participants in that call?

A. I recognized Jamal Lockley.

Q. And did you hear when Mr. Lockley said [reading]: It's not no gravel?

A. I did.

Q. And I'm going to play now Call TT-3-3354, which is on Page 110.

Can you tell us the date and time of this call.

A. July 26th, 2016, 7:51 p.m.

Q. And were you able to identify the participants in this call?

A. Jamal Lockley and Brandon Robinson.

(Audio was played but not reported.)

BY MS. HOFFMAN:

Q. Did you intercept any calls over Jamal Lockley's line between Jamal Lockley and Corloyd Anderson?

A. Yes.

Q. And I'm going to play you TT-3-2922, which is on Page 103 of the transcript binders.

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(Audio was played but not reported.)

BY MS. HOFFMAN:

Q. Did you recognize the voices of the participants in this call?

A. Yes.

Q. And who is it?

A. Jamal Lockley and Corloyd Anderson.

Q. And did you hear Mr. Lockley say [reading]: We've been giving you everything every day, yo?

A. I heard that.

Q. And did you hear Mr. Lockley say, [reading]: Let me try and get you another five tomorrow?

A. I did.

Q. Did you intercept any calls between Jamal Lockley and Melvin Lashley that were indicative of drug trafficking?

A. Yes.

Q. I'm going to play you Call TT-3-3586, which is on Page 114 of the transcript binders.

And can you tell us the date and time of this call.

A. July 27th, 2016, 1:30 p.m.

(Audio was played but not reported.)

BY MS. HOFFMAN:

Q. Agent Aanonsen, did you recognize the voices of the participants in that call?

A. Yes.

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1 Q. Who was it?

2 A. Melvin Lashley, Jamal Lockley.

3 Q. And was there a member of the -- of your investigative
4 team who was conducting surveillance in the area that day?

5 A. Yes.

6 Q. Who was it?

7 A. It was me.

8 Q. And what vehicle were you driving?

9 A. A black Ford Explorer.

10 Q. And were you there at around the time of this particular
11 call?

12 A. I was.

13 Q. Agent Aanonsen, did you intercept calls between -- well,
14 actually, let me show you Government's Exhibit CELL-9-A.

15 And can you read the last four digits of this phone
16 number. This has previously been identified as a phone
17 recovered from Dwight Jenkins' residence. Can you read the
18 last four digits of the phone number saved to Cream.

19 A. 4194.

20 Q. And was there a subject of your investigation who went by
21 Cream?

22 A. Yes; Shakeen Davis.

23 MR. HAZLEHURST: Your Honor, may we approach?

24 THE COURT: Sure.

25

1 (Bench conference on the record:

2 **MR. HAZLEHURST:** Your Honor, I've got a list of
3 exhibits that we were given that is basically three pages long
4 for phone calls and two pages long in terms of iCloud evidence
5 and social media evidence, and none of them mentioned CELL-9-A.

6 Now, honestly, it gives us -- I think it's something
7 that's occurred throughout the case, but it's a little bit
8 difficult to prepare. We don't know what exhibits are coming
9 in.

10 So I'd just note that to the Court and object. If the
11 Government can cover this tomorrow with its witness, I would
12 prefer it be done that way. But, again, it involves Mr. Davis,
13 and it's not something that's been noticed.

14 **MS. HOFFMAN:** Your Honor, this exhibit is already in
15 evidence. I'm simply reminding the -- I'm about to play calls
16 with that phone number, and I'm reminding the jury that that
17 phone number is connected to Mr. Hazlehurst's client.

18 I did, again, as a courtesy, provide a list of the
19 calls that I intended to play today. I didn't include exhibits
20 that were already in evidence.

21 **MR. HAZLEHURST:** Well, all the exhibits are in
22 evidence, so I think these are all in evidence; but, again, it
23 does help us to be able to prepare for this if we do have
24 exhibit lists.

25 **THE COURT:** Sure. But if all she's establishing here

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1 is that the phone number ending in 4194 is associated with
2 somebody named Cream, we've heard that.

3 **MR. HAZLEHURST:** I don't disagree Your Honor.

4 **THE COURT:** Is what you're going on to something that
5 is on the list of calls?

6 **MS. HOFFMAN:** Yeah.

7 **MR. HAZLEHURST:** Okay. Thank you.

8 **THE COURT:** Okay.)

9 (Bench conference concluded.)

10 **BY MS. HOFFMAN:**

11 **Q.** Agent Aanonsen, I'm going to play you Call TT-3-3533,
12 which is on Page 112.

13 And can you tell us the date and time of this --

14 **MR. HAZLEHURST:** Objection, Your Honor. May we
15 approach again, please?

16 **THE COURT:** All right.

17 (Bench conference on the record:

18 **MR. HAZLEHURST:** I think this call has already been
19 played. I think it's been identified as belonging to that
20 cell phone number before, so I think it's cumulative.

21 **MS. HOFFMAN:** It was played through Malcolm Lashley,
22 and he identified the speaker as Shakeen Davis. I wanted
23 simply to connect it up with the -- I'm going to play two more
24 calls with that same number.

25 This agent can't identify the voice himself, and so

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1 that's why I wanted to play the call that Malcolm Lashley had
2 specifically listened to and identified the voice for.

3 **THE COURT:** Okay. It's cumulative, but it's short.

4 Go ahead.

5 **MS. HOFFMAN:** Thanks.

6 **MR. HAZLEHURST:** And, Your Honor, just to note the
7 objection.)

8 (Bench conference concluded.)

9 (Audio was played but not reported.)

10 **BY MS. HOFFMAN:**

11 **Q.** Agent Aanonsen, were you personally able to identify any
12 of the voices in this call?

13 **A.** Just Jamal Lockley.

14 **Q.** And I'm going to play you another call, TT-3-3626, which
15 is on Page 116.

16 My apologies.

17 Can you read the date and time of this call.

18 **A.** July 27th, 2016, 1:52 p.m.

19 **Q.** And can you read the incoming -- the last four of the
20 incoming number here.

21 **A.** 4194.

22 **Q.** And I apologize, I should have asked you, with respect to
23 the last call, was that also the incoming phone number for the
24 last call that we just listened to?

25 **A.** Yes, it was.

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(Audio was played but not reported.)

BY MS. HOFFMAN:

Q. And did you recognize the voices of any of the participants in this call?

A. Just Jamal Lockley.

Q. And I'm going to play you TT-3-4083, which is on Page 118. My apologies. Can you read the date and time of this call.

A. July 29th, 2016, at 4:46 p.m.

(Audio was played but not reported.)

BY MS. HOFFMAN:

Q. Agent Aanonsen, did you recognize the voices of any of the participants in this call?

A. Just Jamal Lockley.

Q. And did you hear when the unidentified male in this call said, "Hold up"?

A. I did.

Q. Over the course of the wiretap investigation, did you intercept additional calls between Jamal Lockley and Corloyd Anderson?

A. Yes.

Q. I'm going to play Call TT-3-4222.

I apologize. I'm looking for the page number.

And I believe there may not be a transcript in the binders for this call.

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1 I'm sorry. It's at Page 150.

2 **THE COURT:** 115 or '50?

3 **MS. HOFFMAN:** One five zero.

4 **BY MS. HOFFMAN:**

5 **Q.** And can you tell us the date and time of this call.

6 **A.** July 29th, 2016, 9:16 p.m.

7 (Audio was played but not reported.)

8 **BY MS. HOFFMAN:**

9 **Q.** And did you recognize the voices of the participants in
10 this call?

11 **A.** Yes.

12 **Q.** Who's speaking?

13 **A.** Jamal Lockley and Corloyd Anderson.

14 **Q.** Did you hear Mr. Lockley say [reading]: He's putting it
15 together now?

16 **A.** I did.

17 **Q.** And I'm going to play you TT-3-4398, which is on Page 151.
18 Can you tell us the date and time of this call.

19 **A.** July 31st, 2016, 21:05 hours.

20 (Audio was played but not reported.)

21 **BY MS. HOFFMAN:**

22 **Q.** Who's speaking in this call?

23 **A.** Corloyd Anderson and Jamal Lockley.

24 **Q.** And did you hear when Mr. Lockley said, [reading]: Trying
25 to see what we scrape up. So we can get two?

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1 **A.** Yes.

2 **Q.** I'm going to play you TT-3-4418, which is on Page 153.

3 Can you tell us the date of this call.

4 **A.** July 31st, 2016, at 11:28 p.m.

5 (Audio was played but not reported.)

6 **BY MS. HOFFMAN:**

7 **Q.** Did you recognize the voices in this call?

8 **A.** Jamal Lockley and Corloyd Anderson.

9 **Q.** And did you hear when Mr. Lockley said, [reading]: We
10 going to give you what we got?

11 **A.** I did.

12 **Q.** Did you hear when he said, [reading]: Not right now. We
13 still doing work?

14 **A.** Yes.

15 **Q.** And did you testify what time this call was at?

16 **A.** Yes; 11:28 p.m.

17 **Q.** I'm going to play you Call 4429, which is on Page 154.

18 And what's the date and time of this call?

19 **A.** August 1st, 2016, 1:11 a.m.

20 (Audio was played but not reported.)

21 **BY MS. HOFFMAN:**

22 **Q.** And I'm going to play you TT-3 -- well, did you recognize
23 the voices here?

24 **A.** Jamal Lockley and Corloyd Anderson.

25 **Q.** And did you hear when Jamal Lockley said [reading]: Let

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1 me see if the boy -- it was a little muffled -- but can swing
2 up there real quick?

3 **A.** Yes.

4 **Q.** And I'm going to play you TT-3-4441, which should be on
5 the next page.

6 And what's the date and time of this call?

7 **A.** August 1st, 2016, 2:06 a.m.

8 (Audio was played but not reported.)

9 **BY MS. HOFFMAN:**

10 **Q.** Did you recognize the voices there?

11 **A.** Corloyd Anderson and Jamal Lockley.

12 **Q.** I'm going to play you TT-3-4560, which is on Page 162 of
13 the transcript binders.

14 And can you tell us the date and time of this call.

15 **A.** August 1st, 2016, at 5:58 p.m.

16 **Q.** So this is later in the evening on the same day as the
17 last call?

18 **A.** Yes.

19 (Audio was played but not reported.)

20 **BY MS. HOFFMAN:**

21 **Q.** Did you recognize any of the voices in that call?

22 **A.** Just Jamal Lockley.

23 **Q.** And did you hear when the unidentified person said
24 [reading]: Can you give me one for 80?

25 **A.** Yes.

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1 Q. And based on your experience investigating
2 drug-trafficking offenses in Baltimore, have you learned what
3 the typical price of a gram of heroin is in Baltimore?

4 A. Yes; between 80 to 120 dollars.

5 Q. I'm going to play Call TT-3-4604, which is on Page 164.
6 And can you tell us the date and time of this call.

7 A. August 1st, 2016, 9:12 p.m.

8 (Audio was played but not reported.)

9 BY MS. HOFFMAN:

10 Q. Did you recognize the voices in this call?

11 A. Corloyd Anderson and Jamal Lockley.

12 Q. And did you hear when Mr. Anderson said [reading]: I need
13 to get with you today?

14 A. Yes.

15 Q. I'm going to play Call TT-3-4846, which is on Page 167.
16 And what's the date and time of this call?

17 A. August 3rd, 2016, 1:27 p.m.

18 (Audio was played but not reported.)

19 BY MS. HOFFMAN:

20 Q. And did you recognize the voices there?

21 A. Corloyd Anderson and Jamal Lockley.

22 Q. And I'm going to play you Call TT-3-4863, which is on the
23 next page.

24 And what's the date of this call?

25 A. August 3rd, 4:50 p.m.

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1 Q. A little bit later on the same day as the last call?

2 A. Yes.

3 (Audio was played but not reported.)

4 BY MS. HOFFMAN:

5 Q. Did you recognize the voices in this call?

6 A. Yes.

7 Q. Who is it?

8 A. Corloyd Anderson and Jamal Lockley.

9 Q. And did you hear when Mr. Lockley said [reading]: Mal
10 said village "N" words keep talkin' about Bo ain't right?

11 A. Yes.

12 Q. Was there a subject of your investigation who went by Mal?

13 A. Yes; Jamal Smith.

14 Q. And did you hear Mr. Lockley reference Melvin, Syd, and
15 Jakey?

16 A. Yes.

17 Q. And can you remind us who, if anyone, who was a subject of
18 your investigation went by those names?

19 A. Melvin Lashley, Sydni Frazier, Jacob Bowling.

20 Q. I'm going to play you TT-3-4903, which is on Page 171.

21 And can you tell us the date and time of this call.

22 A. August 3rd, 2016, 9:14 p.m.

23 (Audio was played but not reported.)

24 BY MS. HOFFMAN:

25 Q. Did you recognize the voices here?

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1 **A.** Jamal Lockley and Corloyd Anderson.

2 **Q.** And did you hear the reference to Creams?

3 **A.** I did.

4 **Q.** Did you intercept any calls on Line 3 between
5 Jamal Lockley and Jacob Bowling?

6 **A.** Yes.

7 **Q.** I'm going to play you TT-3-4904, which is on Page 173.
8 And can you tell us the date and time of this call.

9 **A.** August 3rd, 2016, 21:15 hours.

10 (Audio was played but not reported.)

11 **BY MS. HOFFMAN:**

12 **Q.** Did you recognize the voices there?

13 **A.** Yes; Jacob Bowling and Jamal Lockley.

14 **Q.** And did you hear Mr. Bowling reference "Unc lot"?

15 **A.** Yes.

16 **Q.** Was there a subject of your investigation who went by Unc?

17 **A.** Dwight Jenkins.

18 **Q.** And did you hear the reference by Mr. Bowling to Cream or
19 Creams?

20 **A.** Yes.

21 **Q.** And I'm going to play you Call TT-3-4910, which is on
22 Page 176.

23 And can you tell us the date and time of this call.

24 **A.** August 3rd, 2016, at 21:40 hours.

25 (Audio was played but not reported.)

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BY MS. HOFFMAN:

Q. Did you recognize the voices in that call?

A. Yes.

Q. Who was it?

A. Jamal Lockley, Corloyd Anderson, and Jacob Bowling.

Q. And did you hear the reference by Mr. Anderson and Mr. Lockley to Fred?

A. Yes.

Q. Was there a subject of your investigation who went by Fred?

A. Jacob Bowling.

Q. And -- well, who was talking in the first portion of the call?

A. Jamal Lockley and Corloyd Anderson.

Q. And then who was it who joined later?

A. Jacob Bowling and Corloyd Anderson.

Q. And did you hear when Mr. Anderson said or asked [reading]: You got to get it tonight?

A. Yes.

Q. And did you hear when Mr. Bowling said [reading]: 9 o'clock when we open?

A. Yes.

Q. In the course of your wiretap investigation, how many calls did you intercept over Jacob Bowling and Jamal Lockley's lines?

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1 **A.** Hundreds, if not thousands.

2 **Q.** And in the course of your entire wiretap investigation,
3 did you ever hear any calls indicating whether or not
4 Mr. Bowling had a 9:00-to-5:00 job?

5 **A.** No.

6 **Q.** And can you explain.

7 **A.** We conducted numerous surveillances in the area. Also,
8 based on all the conversations and calls, we never once
9 encountered surveillance where Jacob Bowling went to a
10 9:00-to-5:00 job.

11 **Q.** And did you intercept any calls indicating whether or not
12 Mr. Bowling worked at a shop, a business?

13 **A.** No.

14 **Q.** Can you explain.

15 **A.** He uses the word "shop" in this call, but we never once
16 encountered him ever holding a job at a shop.

17 **Q.** I'm going to play TT-3-4982, and this is on Page 179.
18 Can you tell us the date and time of this call.

19 **A.** August 4th, 2016, 5:33 p.m.

20 (Audio was played but not reported.)

21 **BY MS. HOFFMAN:**

22 **Q.** Did you recognize the voices in this call?

23 **A.** Jamal Lockley and Jacob Bowling.

24 **Q.** And did you hear when Mr. Bowling said [reading]: Got
25 someone. Where you want him?

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1 **A.** Yes.

2 **Q.** And I'm going to play you call TT-3-5072, which is on
3 Page 181.

4 Can you tell us the date and time of this call.

5 **A.** August 4th, 2016, at 10:54 p.m.

6 (Audio was played but not reported.)

7 **BY MS. HOFFMAN:**

8 **Q.** Did you recognize the voices of anyone in this call?

9 **A.** Just Jamal Lockley.

10 **Q.** And did you hear the unidentified person in this call say,
11 "We're just getting ready to do it. I'll let you know in two
12 minutes"?

13 **A.** Yes.

14 **Q.** And I'm going to play you TT-3-5078, which is on Page 183.
15 Can you tell us the date and time of this call.

16 **A.** August 4th, 2016, at 11:04 p.m.

17 **Q.** So is that just shortly after the last call we listened
18 to?

19 **A.** Yes.

20 (Audio was played but not reported.)

21 **BY MS. HOFFMAN:**

22 **Q.** Did you recognize anyone's voices -- anyone's voice in
23 that call?

24 **A.** Just Jamal Lockley.

25 **Q.** And did you hear Mr. Lockley say, "Scale of 1 to 10, what

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1 you give it"?

2 **A.** Yes.

3 **Q.** I'm going to play another call. This is TT-3-5225, and
4 it's on Page 185.

5 And can you tell us the date and time of this call.

6 **A.** August 1st, 2016, 7:59 p.m.

7 (Audio was played but not reported.)

8 **BY MS. HOFFMAN:**

9 **Q.** Did you recognize anyone's voice in that call?

10 **A.** Just Jamal Lockley.

11 **Q.** Did you hear Mr. Lockley ask, "What color was it"?

12 **A.** I did.

13 **Q.** And did you hear the unidentified person in the call say
14 [reading]: It was white. And I got that brown shit yesterday,
15 and it was fucking awesome?

16 **A.** Yes.

17 **Q.** I'm going to play another call. And this one is
18 TT-3-5293, and it's on Page 187.

19 Can you tell us the date and time of this call.

20 **A.** August 6th, 2016, at 4:13 p.m.

21 (Audio was played but not reported.)

22 **BY MS. HOFFMAN:**

23 **Q.** Did you recognize anyone's voice in that call?

24 **A.** Just Jamal Lockley.

25 **Q.** And did you hear the unidentified person in that call say,

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1 "We're right on Rosedale Street because a cop started coming"?

2 A. Yes.

3 Q. And I believe you testified a minute ago that you
4 intercepted hundreds, if not thousands, of calls over TT-2 and
5 TT-3; is that right?

6 A. That's correct.

7 Q. And over the course of your wiretap investigation, did you
8 intercept any calls indicating whether or not Jamal Lockley had
9 a 9:00-to-5:00 job?

10 A. No.

11 Q. Can you explain.

12 A. We were tracking Jamal Lockley's phone, and we followed
13 him several times from Bel Air, Maryland, into the city. Never
14 once did we ever see him go to a 9:00-to-5:00 job.

15 Q. And did you intercept any calls during your wiretap
16 investigation indicating whether or not Jamal Lockley worked at
17 any kind of shop?

18 A. No. Once again, we never once encountered him having a
19 job at a shop.

20 Q. And the calls that we have just listened to, did you
21 listen to other calls of a similar nature during your wiretap
22 investigation?

23 A. Yes.

24 Q. And how frequently would you hear calls of a similar
25 nature?

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A. Numerous times a day.

Q. Did you intercept additional calls during your wiretap investigation between Jamal Lockley and Corloyd Anderson that were indicative of drug trafficking?

A. Yes.

Q. I'm going to --

THE COURT: A couple more is fine.

MS. HOFFMAN: Okay.

THE COURT: We're getting close.

MS. HOFFMAN: Sure.

BY MS. HOFFMAN:

Q. I'm going to play TT-3-5365, which is on Page 196.

Can you tell us the date and time of this call.

A. August 6th, 2016, at 8:32 p.m.

(Audio was played but not reported.)

BY MS. HOFFMAN:

Q. And I'm going to play one more call, TT-3-6022, which is on Page 199.

And can you tell us the date and time of this call.

A. August 10th, 2016, at 5:51 p.m.

(Audio was played but not reported.)

BY MS. HOFFMAN:

Q. Did you recognize the voices in that call?

A. Yes; Corloyd Anderson and Jamal Lockley.

Q. And did you hear when Mr. Lockley said, "Probably have

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1 something for you probably today or tomorrow, me and Charlie"?

2 **A.** Yes.

3 **Q.** Charlie?

4 **MS. HOFFMAN:** And, Your Honor, I think this is as good
5 a stopping point as any.

6 **THE COURT:** All right. The witness can step back
7 down.

8 Ladies and gentlemen, I'm going to give you an update
9 on the schedule. We will be asking you in tomorrow. You'll
10 hear testimony tomorrow. I never guarantee anything, but I
11 believe the Government is going to finish presenting its
12 evidence tomorrow.

13 We may or may not start any evidence from the defense.
14 Of course, I'll remind you, they have no obligation to present
15 anything, but they may.

16 We are going to not be in court, however, therefore --
17 it was already not on Friday -- but I'm not going to ask you in
18 on Thursday of this week.

19 What I expect is that next week, Monday, there may be
20 some -- defense will have an opportunity to present evidence,
21 if they choose to do that.

22 But I do believe that at some point, perhaps early-ish
23 next week, we'll be done with the evidence, and you'll be
24 getting instructions and hearing arguments. And at some point
25 next week, in other words, I do expect the case will finish and

1 you will begin to deliberate.

2 So I think that's -- I can't tell you the specific
3 days next week. But I do believe that's where we're going to
4 get to next week, which may be a little bit -- a little bit
5 earlier than I had told you about way back some weeks ago.

6 But that's our schedule. The Government is close to
7 finishing.

8 The defense will have an opportunity to present a
9 case.

10 And sometime next week I do believe you'll hear
11 argument and be asked to go out and deliberate and return a
12 verdict.

13 So that's the update.

14 But we will see you tomorrow. So thank you very much.
15 Usual instructions: Leave your notes here. Keep an open mind.
16 Don't talk about the case.

17 We'll see you tomorrow at 10:00. Tomorrow at 10:00.

18 Thank you.

19 (Jury excused at 5:02 p.m.)

20 **THE COURT:** Any issues anybody wants to anticipate for
21 tomorrow?

22 **MS. PERRY:** I do want to anticipate one, Your Honor.

23 There is one additional or -- I expect that we'll have
24 evidence about a search warrant conducted where there was some
25 paperwork recovered.

1 I know that Ms. Whalen has already identified some
2 redactions she's requesting to Government's Exhibit GP-18. I
3 believe we agree to some of those redactions and may ask the
4 Court to rule on a few others, and so I expect that that will
5 be tomorrow morning.

6 But I am going to talk to Ms. Whalen about it and see
7 what we can work out.

8 **MS. WHALEN:** Okay.

9 **THE COURT:** All right. If somebody has a copy of
10 GP-18, why don't I have that to look at. And then when you are
11 talking to me about it tomorrow morning, I will have had a
12 chance to read it already.

13 **MS. PERRY:** I have it.

14 **THE COURT:** Okay.

15 **MS. HOFFMAN:** (Hanging.)

16 **THE COURT:** Thank you.

17 And this was recovered from?

18 **MS. PERRY:** It was recovered from Kevin Forrest's
19 address, along with an additional letter that we expect to
20 introduce as well.

21 **THE COURT:** Okay. Do you have a copy of that other
22 letter just in case I need to compare with this or not? If you
23 don't have an extra --

24 **MS. PERRY:** I don't have an extra copy of the actual
25 hit letter with me today, Your Honor.

1 **THE COURT:** Okay.

2 **MS. WHALEN:** I may have it, Your Honor.

3 **THE COURT:** Okay. While Ms. Whalen is looking, any
4 other issues for tomorrow?

5 **MS. AMATO:** So, Your Honor, will we or we won't be
6 sitting at all on Thursday; just the attorneys and the Court?

7 **THE COURT:** Not sitting on -- oh, well, we will not be
8 here in court on Thursday. Whether we can usefully discuss
9 instructions or something like that, I'm not quite sure. So
10 far I just have the Government's instructions.

11 We can talk about it tomorrow, whether there's
12 anything useful that we could do on Thursday.

13 But it would be just counsel.

14 **MR. TRAINOR:** Your Honor, I explained briefly to
15 Ms. Perry this morning that I would object to GP-15, but I
16 haven't heard them say for certain that that would be offered
17 tomorrow.

18 **THE COURT:** Okay. GP-15.

19 **MR. TRAINOR:** The jail search and recovery of some rap
20 lyrics.

21 **MS. HOFFMAN:** Yes. So we do have -- it's a DPSCS --
22 I'm forgetting his title exactly. But it's Intel Officer Canty
23 recovered some paperwork from Jamal Lockley's jail cell in
24 February of 2017.

25 **THE COURT:** Yes.

1 **MS. HOFFMAN:** And we do intend to introduce that,
2 GP-15, through Officer Canty tomorrow. So that would be
3 tomorrow morning.

4 And I apologize. I don't think I have a copy of it
5 with me here, but we could make a copy and give it to
6 Your Honor.

7 **MR. TRAINOR:** I have a copy.

8 **THE COURT:** If you have a copy --

9 **MR. TRAINOR:** I do.

10 **THE COURT:** -- that's fine. I'll take that.

11 **MR. SARDELLI:** And, Your Honor, I know they circulated
12 the jury instructions a while back. But just as a courtesy, if
13 I could ask them to circulate the instructions again.

14 I think it's a couple weeks back they circulated them.
15 I'm having a hard time finding them in the materials I have, so
16 I'll request that of the Government, Your Honor.

17 **THE COURT:** Okay. Were they on CM/ECF?

18 **MS. HOFFMAN:** I'm trying to remember. I can't
19 remember if we filed them on the docket. But we can --

20 **MR. SARDELLI:** If they're on the docket, I'll find
21 them on the docket, Your Honor. I just don't remember.

22 **MS. HOFFMAN:** Yeah. I mean, we can also send them
23 around again.

24 **MR. SARDELLI:** Thank you, Your Honor.

25 **THE COURT:** Okay. If you want to send them around

1 again, that's great.

2 All I've done so far is to take them -- my judicial
3 assistant has made it all into one document, taking out the
4 headings and the case citations and things like that.

5 But I have not made any other changes until I hear
6 from counsel.

7 **MS. WHALEN:** Your Honor, may I just approach? I'm
8 sorry.

9 **THE COURT:** Sure.

10 **MS. WHALEN:** I was going to have him take it up.

11 **THE COURT:** All right. So this is the other letter
12 relating to Mr. Forrest and Champagne which you're handing up
13 to me.

14 And now I'm getting GP-15, which relates to
15 Mr. Lockley.

16 Okay. Thank you. I'll look at all these tonight.
17 Anything else?

18 **MS. HOFFMAN:** I can't think of anything, no. We will
19 have Agent Moore testifying tomorrow.

20 And we've given notice to Ms. Whalen about the GPS
21 coordinates, the mapping of those.

22 And we will also be asking him to testify about his
23 test drive of distances tomorrow.

24 But I can't anticipate any other issues.

25 **THE COURT:** Okay. All right. Then I will see

everybody at 10 o'clock tomorrow morning.

The gallery is excused.

(Pause.)

THE COURT: All right. We'll be in recess.

(Court adjourned at 5:09 p.m.)

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I, Douglas J. Zweizig, RDR, CRR, do hereby certify that
the foregoing is a correct transcript from the stenographic
record of proceedings in the above-entitled matter.

/s/

Douglas J. Zweizig, RDR, CRR, FCRR
Registered Diplomate Reporter
Certified Realtime Reporter
Federal Official Court Reporter
DATE: November 15, 2019

Douglas J. Zweizig, RDR, CRR - Federal Official Court Reporter

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